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ANNALS
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THE SOUTH AFRICAN CONFLICT—ITS LEGAL
AND POLITICAL ASPECT.

Long before European colonization began South Africa was the scene of frequent conflicts between the three great native races, the Bantu, the Hottentot and the Bushman. Of these the Bantus were largest in size and most warlike in their tastes. From them have descended the Kaffir, the Zulu, the Basuto, the Bechuana and the Matabele tribes, whose subjugation by Europeans has involved many long and bloody wars. The Hottentots were yellow-skinned and less rugged but superior in social organization to the third race, the Bushmen, who have remained untamable savages, living in holes and caves. The original home of the Bantu tribes was in Central Africa. They had a highly developed clan organization and were migratory in habit. Wherever they moved they drove the Hottentots and Bushmen before them. At the time of the Dutch settlement in South Africa the Bantus had moved down from the north and, roughly speaking, occupied the districts now known as Matabeleland, Bechuanaland, the Boer Republics, Swaziland and Zululand. The Hottentots going before them occupied the coast and the best grazing portions of Natal and Cape Colony.

(1)

It was thus the Hottentots with whom the Dutch first came in contact.

After establishing a port of call at the Cape in 1652, the Dutch purchased a large strip of land from the natives, whom they found to be a roving, desultory people with little capacity except for loafing and minding cattle. Their chief characteristics were cunning and an inordinate habit of stealing. "They ran off with the sailors' clothes drying on the shore; they took the iron chains from the plow lying for repairs before the blacksmith's shop; they laid hold of the children in order to tear the buttons from their clothes. The commander found it necessary to issue more than one proclamation warning workmen to keep a watchful eye over their arms and their picks and shovels."* After the Dutch began to farm, stealing took the form of "cattle lifting." The natives, finding cattle roving about unguarded, could not resist the temptation to drive them away. This habit of stealing has been a chief cause of the hostility which still prevails between the white and black races in South Africa. Owing largely to it, contact between the races has always led to a struggle, and colonization has resulted in the subjugation or the extermination of native tribes.

The advent of the English in South Africa simply added a third contestant to the two that were already struggling for supremacy. The Dutch had come to the country with traditions and ideals very similar to those of the English. They were accustomed to commercial and industrial occupations and to self-government. In the new country, however, they came under the influence of a new environment. Here the resources at hand were largely agricultural, and this condition took the colonists from the town and transformed them into "Boers" or farmers. The political conditions were also different from those of the mother country. The East India Company, by which the colony was

*Lucas, vol. iv, p. 38, *et seq.*

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controlled, was a close corporation. The governor was the servant of a trading company and had arbitrary power. Under these circumstances there grew up a division of interests between traders and soldiers at the port and the agricultural colonists; beyond the town there had grown up a farmer community, having all the instincts of its liberty-loving, self-protecting Dutch ancestry, accentuated by rural conditions. So far did these farmers grow out of sympathy with the mercantile and soldier classes that they moved away into upper Stellenboch and Graaf-Reinet to avoid the laws of the port.

When the fortunes of European warfare gave Cape Colony to the English, they came as soldiers and traders as well as the hereditary enemies of the Dutch.* Moreover, the English made the mistake of setting up the same form of government as that employed by the trading company against which the Boers had already rebelled. It was arbitrary in the extreme, no provision being made for popular consultation or conciliation. The voice of the governor was law.† Against him, resistance was treason. Dutch traditions and customs were violated. The Hottentots were armed and made to do military service against the Dutch,‡ and this led to a slave insurrection.§ Their religion was interfered with, the governor assuming control over their churches.|| Their land tenure was altered without their consent, and against their wishes.¶ The court system was changed, abolishing the Heenreden and the Landdrost, the only institutions remaining in which the Dutch had representatives. English was made the official language,** and

* The English first took possession at the Cape in 1795. In 1803 they resigned in favor of the Stadtholder, but took possession again in 1806, and in the settlement of 1814 the Cape was formally ceded to Great Britain.

† Theal, vol. iii, pp. 134, 277.

‡ Theal, vol. iii, pp. 12, 40, 88, 186, 218, 373.

§ Theal, vol. iii, pp. 43, 137; Lucas, vol. iv, p. 98.

|| Theal, vol. iii, pp. 33, 61, 75, 258.

¶ Theal, vol. iii, p. 167.

** Theal, vol. iii, p. 242.

those who could not speak English were debarred from the right to sit as jurors.* This utter disregard for Dutch feeling is reflected in the instructions regarding the settlement of the east borders of Cape Colony in 1831. These directed that grants of land be made to "respectable settlers," but by the same instructions it appeared that the English and the Hottentots were the only ones to be allowed to settle.† Slavery was also a cause of great irritation, of misrepresentation and misunderstanding.‡ Slavery had a less firm hold on the Cape Colony than on other slave-holding countries, as the chief form of industry there made it less profitable. On the second of October, 1826, there was a meeting of slave-holders in Graaf-Reinet, at which resolutions were passed favoring a gradual emancipation.§ They proposed that all children of slaves should be free at birth. By this method the institution would have become extinct with a single generation, the labor system would have sustained no shock and the slave owners would have suffered no immediate loss. These resolutions were accepted by the people throughout the colony as a reasonable basis for the extinction of slavery. With such tardy measures abolitionist agitators were not content, and the government was persuaded to pass a law providing for immediate emancipation.|| According to the reports of the government agents, the slaves in the colony were valued at three million pounds sterling.¶ It was provided that the colonists should be paid about one-third of this amount in $3\frac{1}{2}$ per cent consols. News of this decision, says Theal,** "created a panic greater than any ever known before in South Africa. A large proportion of the late slaves were mortgaged to the various institutions for lending, and the mortgage bonds invariably contained a

* Theal, vol. iii. p. 336, 242, 259.

† Lucas, vol. iv, p. 154.

‡ As to the treatment of slaves, see Theal, vol. iii, pp. 407-412.

§ Theal, vol. iii, pp. 413-14.

|| Theal, vol. iii, pp. 416-19.

¶ Lucas, vol. iv, p. 146.

** Theal, vol. iii, pp. 422-23.

clause covering all other property.* At once there was a demand for the redemption of the bonds, and goods and effects of all kinds had to be sold at enormous losses." The effect of the wholesale emancipation, however, did not stop here. The freedmen became a horde of vagabonds and vagrants, running at large about the community.† Petitions were made asking for protection, but no redress could be had.

Some religious zealots also made representations that the Dutch *commando* system, the only effective protection which the colony had against the migratory Bantu tribes that were pressing upon it from the north and east, was cruel and was used for selfish ends.‡ The system was abolished. When on Sunday evening, December 21, 1834, the sixth Kaffir invasion began, and some twelve thousand Kaffirs crossed the frontier and began to raid the eastern settlements, they found no commandos to meet them. The damage suffered by the settlers was enormous; whole regions were depopulated. At the very time when the Dutch were in the field striving to keep back these migrating hordes, religious agitators in England were representing that the colonists themselves had stirred up the war in order to obtain more territory. Similar representations had formerly been made to the governor, but on investigation he had found the charges groundless.§ Not only did these agitators excite English public opinion against the Boers, but they obtained audience in the cabinet and the House of Commons. Remonstrances poured in from Cape Colony; Boers and Englishmen alike denied the charges and asked that a commission be appointed to investigate. The home government not only refused to appoint a commission, but also refused to admit evidence against the statements of their

* This was largely due to the devastating wars which the colonists had suffered.

† Theal, vol. iii, pp. 422-23; Lucas, vol. iv, pp. 147, 149.

‡ Theal, vol. iii, pp. 65, 67, 157, 243.

§ Theal, vol. iii, p. 169. (For particulars concerning the conduct of Dr. Philip and his associates, see Theal, vol. iv, pp. 343, 346, 348, 349, 377, 425-27, 439.)

accusers.* Lord D'Urban, who, as governor, had obtained an intimate knowledge of the conditions in the colony, in an address to the home government characterized the Boers as "a brave, patient, industrious, orderly and religious people, the cultivators, the defenders and the tax contributors of the colony."† The home government, however, would hear nothing favorable to the colonists. Every settler, Briton and Boer, was deeply incensed. Englishmen sought remedy in endeavoring to prove that the judgment of the home government was wrong. The Boer, however, having his defence of his home and of British sovereignty turned against him, in addition to all the other calumnies and injuries from which he had suffered, felt driven to leave the land of his birth and seek refuge in the veldt.

The way for the "Great Trek" was partly prepared by a recent Zulu invasion, which had swept the native tribes from the great plain north of the Orange River. So thoroughly had the country been depopulated that a man could travel on horseback for days without seeing a habitation. The Boers decided to go out into this open wilderness and get away from British authority, to go where they could live in peace and honor.‡ Across the Orange permission to settle was gladly given by the smaller tribes in exchange for promises of protection against invasions by the Zulus and Matabeles. In 1836 the Boers made overtures to Dingaan, the Zulu chief, for permission to settle in that part of Natal

*Theal, vol. iv, pp. 60-67.

†Theal, vol. iv, pp. 83-84.

‡ They did not go, however, without consulting the Cape authorities. The governor declared that he "could see no means of stopping emigration except by persuasion and attending to the wants and necessities of the farmers." The Attorney-General, Mr. A. Oliphant, said that "it seemed next to impossible to prevent persons passing out of the colony by laws in force or by any which could be framed." Captain Storckenstorm replied to the inhabitants of Uitenhage province that he "was not aware of any law which prevented any of his majesty's subjects from leaving his dominions and settling in another country, and such a law, if it did exist, would be tyrannical and oppressive." After such representations, the Boers thought themselves free to go, and openly published their intention of going out and setting up a separate government. (See Proclamation.) Theal, vol. iv, pp. 89-90.)

which had been depopulated by Tshaka's invasion in 1820. Dingaan received them with tokens of friendship. A few English traders had secured a grant of one hundred square miles of land about Port Natal. From time to time they had asked for British protection, but had as often been refused. When Reteif, the leader of the Boers, made his purpose known to them he was met with every encouragement. On his return he brought his settlers up into the Drakensberg, where they encamped, while Reteif, with about sixty of his men, visited Dingaan at his kraal to make final arrangements. They were again received with every appearance of cordiality, an agreement was prepared by a missionary living with the Zulus and signed. The Boer company was then asked to join in a feast, and while they were seated unarmed before the king they were seized and hurried away to be cruelly murdered.* The Zulu warriors then fell upon the immigrants in the mountains, where some three hundred others were massacred. Thus began the war between the natives and the Dutch in Natal. The Boers hurried into laager, they formed commandos, others joined them from the Orange valley; a fearful war was waged; finally (1838) at Blood River a decisive battle was fought, in which some three thousand Zulus were killed. A year later a brother of Dingaan, Panda by name, succeeded him as chief of the Zulus, and entered into alliance with the Dutch farmers. The traders at the port had fled at the beginning of hostilities, and though later some of them ventured back they all ceded their rights to the Dutch. The emigrant farmers became supreme from St. Lucia Bay to the gate of St. John. The first formal organization of government among them was in 1836. In June, 1837, a volksraad was elected to enact what simple laws were necessary, and Pieter Retief was placed at the head. In 1840 the Boers opened negotiations with the governor at the Cape to secure

* For the details of this cold-blooded massacre we are indebted to the accounts of the missionary who was compelled to witness it.

recognition of their independence. But the end of their trouble was not yet. The bonds of British allegiance still hung over them.

In July, 1838, Governor Napier issued a proclamation inviting the Dutch to return to Cape Colony with a promise that their grievances would be redressed and intimated that at his leisure he would take possession of the port of Natal.* In the following November he sent a detachment of troops to Natal and asked the home government to support his action. This, however, the government refused to do, so a short time afterward the troops were withdrawn.† Matters drifted on four years longer, the English neither consenting to recognize the immigrants as an independent people nor assuming to take control. Then ships began to stop at Port Natal to trade; in the spring of 1842 an American ship called, and soon after a Dutch vessel. When knowledge of these facts reached Capetown, a British troop was again sent to occupy the port.‡ In April, 1843, the British Government definitely declared Natal to be English territory. After several protests from the Boers, backed up, however, by little open resistance, Natal and all the country which the emigrant farmers had won was left to the British. The liberty-loving Dutchman was again thwarted in his hopes and ambitions; rather than live under the rule of those whom he considered his oppressors, he retraced his steps to the dusty plains of the interior.§

From here the Dutch continued to send up petitions for the recognition of their independence, but only refusals and delays resulted. Conflicts ensued between Boers and British. Sentences of outlawry were pronounced upon Boer leaders and afterward withdrawn. Finally, because of the expense of maintaining government over them and the

*Lucas, vol. iv, p. 200.

†Lucas, vol. iv, p. 201.

‡Lucas, vol. vi, p. 202

§Lucas, vol. vi, pp. 204-208.

utter worthlessness of the territory they occupied to the British, and of a change in English political thought, the Boers were granted the independence for which they had so long struggled. In 1852* the "emigrant farmers beyond the Vaal" were conceded "the right to govern and manage their own affairs, and to govern themselves without interference on the part of Her Majesty, the Queen's governments." In 1854 Her Majesty renounced all dominion and sovereignty over the Orange River Territory, and specifically provided that "the British Government has no alliance whatever with any chiefs or tribes to the northward of the Orange River, except with Adam Kok, the Griqua Chief.† Such is the history of the first period in the struggle between Boer and Briton. Henceforth the dealings between the two peoples fall within the realm of international law.

By the conventions of 1852 and 1854 two important relations were established. In the first place, the Boer people were absolved from their allegiance as British subjects and recognized as an independent nation. In the second place, stipulations were made which established what is now known as the sphere of influence of Great Britain in South Africa. By the Sand River Convention (1852) it was agreed that no encroachments should be made by Her Majesty's government on the territory north of the Vaal River. There was also a written statement drawn up and signed by the commissioners that the British Government should have no authority north of the Orange River, west of the point where the Vaal flowed into it.‡ This, however, was a separate memorandum and was not sent with the convention to the higher authorities for ratification. By the Bloemfontein Convention (1854) the British Government disclaimed any relations whatever with any native chiefs or tribes north of the Orange River except with Adam Kok, the chief of the

*State Papers, vol. lii, p. 1112.

†State Papers, vol. lvi, p. 328.

‡Theal, vol. v, p. 15.

"Griquas." The same year they disclaimed any relations with him* and he sold to the Free State all sovereign rights of his clan to the territory north of the Orange.† All international relations, therefore, were established on a basis of complete good feeling between the races.

The history of South Africa since 1854 hinges upon four important events, viz.: (1) The Basuto wars, (2) the discovery of diamonds near the confluence of the Orange and the Vaal, (3) the assumption of British sovereignty in 1877, (4) the discovery of gold in the Witwatersrand in 1885. The events associated with these leading facts constitute distinctive epochs in the history of the Boer Republics.

After the emigrant farmers had driven out the Matabele, who had crowded down upon them from the north, they enjoyed a few months of peace. Moshesh, the chief of the Basutos, was friendly.‡ It was arranged between him and the Boers that he and his people should occupy a territory between the Caledon and the Orange, and in this way the Orange Territory was divided between Boer and savage to the satisfaction of both. The war spirit of the Zulu had been temporarily crushed in Natal. Gradually, however, the Basutos grew restless; they did not like the restraint of settled boundaries. They were a stalwart race, fierce in battle, well organized in clans, their fighting men outnumbering the Boers ten to one. Moshesh was a man of extraordinary ability, and while he was desirous of humoring his chieftains, he did not wish to appear to be the aggressor for fear of enlisting the co-operation of the Cape colonists with the Free Staters; he, therefore, allowed the border chiefs to irritate the Boers by making incursions across the boundary and driving off the cattle.§ Each incursion of this kind was followed by protests, by demands for restitution of

* Theal, vol. v, pp. 8-9.

† Theal, vol. v, p. 93.

‡ He had been an ally of the Boers against the English.

§ Theal, v, pp. 10, 50, 98, 101.

property and punishment of offenders. Each demand was met by promises but no steps were taken to carry these into effect and no effort was made to prevent subsequent raids. Matters went on from bad to worse till the relations between Boers and Basutos became strained almost to breaking. At the same time Moshesh was making representations to the Cape authorities to enlist their sympathy. But Governor Grey had agents watching the Basuto and found that Moshesh was playing double; he found that at the time the great chief was making overtures of friendship he was trying to stir up a war in Natal.* He hoped to engage the Cape forces there, while he and his warriors swept the Orange Free State.

Finding that they could not secure reparation the Boers finally sent a commando after the Border clans to recover the cattle stolen and the first Basuto war (1856) was begun. It was a life and death struggle for the Boers. They could withstand the attacks of the blacks when in laager but could not conquer them or stop their raids. They could drive them from the open plains but they could not cope with them in the mountains. For months this conflict raged with fearful results. The Cape governor finally offered to act as mediator† and an armistice was declared. An adjustment was then made, by which boundaries were definitely marked off and mutual promises exchanged for the adjustment of future claims. Again was a short-lived peace disrupted by similar raids. Demands, broken promises and reprisals were followed by a second Basuto war.‡ This time the Boers were better prepared; they forced the Basuto to make a peace, by which the natives agreed to become subjects of the Boer State.§ Moshesh, however, found his chiefs dissatisfied with this arrangement and a third war broke out,||

* Theal, v, p. 21.

† Theal, v, p. 22.

‡ Theal, v, pp. 99-105.

§ Hertalet, p. 329; Theal, v, 204.

|| Theal, v, pp. 245-55.

in which the Boers had all but succeeded in reducing the Basutos to submission.* Before the beginning of the war Moshesh had made overtures to the Cape for his people to become British subjects, but the government refused to treat with them or to become responsible for their acts. Now Moshesh begged the governor to extend British protection. The governor found that he would be supported by the home government and accepted the proposal. In the midst of the campaign, when success to the Boers was almost within reach, the governor notified them to desist on the ground that they were attacking British subjects. The Free Staters were outraged. They protested, but all in vain. A treaty was forced upon them by which the boundaries of Basutoland were re-established, not at the place where they stood before the war, but so as to include much land that the Basuto had previously ceded. When the boundaries were settled, Basutoland was annexed to and made a part of the imperial realm.†

The first diplomatic contest was over. The British had crossed the Orange, and the Boer was left with the feeling of bitterness which comes from the conviction of having been the victim of adjudication by superior force.

A short time after the final adjustment of Basuto affairs, diamonds were discovered on some of the Boer farms, north of the Orange, near the mouth of the Vaal. As above stated, Adam Kok, the only chief with whom the British had claimed any relation, had disapproved of the arrangement made for him by Sir George Clark in 1854.‡ Later, recognizing his dependence on the English, he tried to open negotiations, but, being informed that it was too late,§ he sold the sovereign rights of himself and clan to the Orange Free State.|| His headquarters had been at Philippolis.

* Theal, v, pp. 261-66.

† State Papers, lxx, p. 322.

‡ Theal, v, p. 8.

§ Theal, v, p. 9.

|| Theal, v, pp. 9, 93.

To the west was the Griqua clan of Cornelius Kok, and still further west, on the Orange, beyond the Vaal, were Waterboer and his Griqua followers. In April, 1854, the governor of the Free State recognized the territorial claims of Cornelius Kok,* and, a dispute arising between him and Waterboer concerning boundaries, the question was submitted to arbitration. The jurisdiction of Cornelius was adjudged to be circumscribed by the Orange and the Vaal on the west, the Modder River on the north, and a line subsequently known as the Vetberg line in the east.† Waterboer's domain was held to be wholly to the west of the Vaal, but did not include any part of the lands afterwards found to be especially valuable for diamonds. It was subsequently agreed between Cornelius Kok and the Orange Free State that the former should enjoy certain property, but not sovereign rights north and east of the Vetberg line.‡ After diamonds were discovered, a flood of adventurers poured into that portion of the country. The richest district, however, was found to be north and east of the Vetburg line, and along the Vaal north of Waterboer's recognized territory. With the influx of diamond diggers, the Free State made provision for the government of the territory south of the Vaal, and the Transvaal Republic made similar provision for that to the north.§ The Griqua chief, Waterboer, however, opposed the claim of the Orange Free State on the ground of an arrangement which his father had made many years before with Adam Kok. David Arnot, a missionary, urged the claims of the native Batlapins and Barolongs to that portion of the diamond district north of the Vaal. Waterboer, like Moshesh, invited the intervention of the Queen, with the result that British sovereignty was proclaimed over that portion of the diamond district claimed by the Orange Free

* Theal, v, p. 7.

† Theal, v, pp. 23, 91. Cf. map.

‡ Theal, v, pp. 23, 24.

§ Theal, v, p. 332.

State.* The British held possession under protest† till 1876, when the matter was settled by a Convention in which the British Government agreed to pay the Orange Free State £90,000 as compensation for its assumption.‡

The dispute between the native tribes and the Transvaal finally culminated in an agreement to arbitrate by a tribunal of three. Arnot, representing the natives, chose Campbell, the English magistrate in that part of the diamond district already taken under British control;§ the President of the Transvaal chose a Free State Boer; Vice-Governor Keate, of Natal, was agreed on as the third. The Dutch did not know that there was an understanding between the natives and the British at this time, therefore the fact of having two British officials on the board did not seem objectionable *per se*. The award gave the whole district to the natives, who thereupon transferred it to the British. The Volksraad refused to ratify the award on the ground of the lack of authority in the President to make a final determination, and for the further reason that there was a secret understanding which would make Mr. Keate an interested party.|| The adjustment, however, was sufficient to give the English possession, and, though later treaties relinquished much of the territory, no part of the diamond district was given up.

Popular sentiment in the republics was now at the boiling point. It was only on account of the oppressive sense of weakness on the part of the Boers that hostilities were averted. Protests availed nothing. They could not hope to wage war successfully with Great Britain, and could only endure what they esteemed to be wrongs forced upon them by a more powerful nation. The charges formulated by the Boers against the English were as follows: (1) Interference on behalf of the Basuto, Moshesh; (2) interference

* Theal, v, p. 358.

† Theal, v, p. 394.

‡ Hertalet, p. 818; State Papers, lxx, p. 330; Lucas, iv, 249.

§ Theal, v, p. 361.

|| Theal, v, p. 369.

between them and the Griqua captain, Waterboer, with a design of acquiring the territory in which the diamond fields were situated; (3) interference between them and the Bantu tribes; (4) the appointment of magistrates and stationing of police on the Vaal; (5) the dismemberment of the Orange Free State and the appropriation of its territory; (6) the stoppage of ammunition to the Orange Free State; (7) the open and undisguised sale of guns and ammunition to the blacks.* But charges served only to chafe their own soreness, and the excitement gradually quieted down. Still in the Dutchman's memory was the never-ceasing sting of wrongs unavenged.

The acquisition of Basutoland had cut off all possibility of the Orange Free State's extending its eastern boundary to the sea. It was the beginning of the northward movement of British dominion along the coast that did not stop until it came in contact with the claims of the Portuguese at Delegoa Bay. The acquisition of the diamond fields, however, was of far greater importance. This opened a clear field for British enterprise into the whole interior of South Africa. The diamond fields were a source of incalculable wealth, of which it had already availed itself. What was still in store for those who would take the risks of exploration and undergo the hardships of prospecting, the future alone could tell. The immense wealth suddenly acquired about Kimberley, was a motive to adventure that carried fortune hunters into the remotest corners of the dark continent.

The next find which set the currents of English migration northward was the discovery of gold in the Leydenberg district. This was in the eastern part of the Transvaal, and was most easily approachable by way of Delegoa Bay. The district did not prove as rich as at first anticipated, but it served to carry quite a large English contingent into the republic. At this time the Transvaal Republic was in a weak condition, politically.† The agricultural

* Theal, iv, p. 372.

† C., 1748, p. 103; C., 1877, p. 12.

Boers found themselves in the financial situation of all new agricultural communities when not financed and controlled by older communities having a large economic surplus. They had been through a paper money era similar to that through which the United States passed a half century earlier. Though their country and their political independence was to them dearer than life itself, their institutions as well as their economy were in an unsatisfactory state. Taxation was insufficient to meet the needs of the treasury ; complications with the natives threatened war, in fact, hostilities had begun, and for several months a condition of insecurity prevailed in the regions of the Leydenberg gold fields.* This was to imperialists an opportunity. As a result of representations made to the home government, Sir Theophilus Shepstone, a man thoroughly imbued with "Greater Britain" ideas, was made special commissioner to inquire respecting certain disturbances which had taken place in the territories adjoining the colony of Natal. Before leaving England he was empowered, by commission from the Queen,† to annex all territories or parts of territories which were made the subject of his inquiry if he thought the circumstances justified such a course. In January, 1877, Shepstone arrived at Pretoria. His presence there brought matters to a climax. President Burgers pointed out that the people had to choose between radical changes in their government, or annexation to Great Britain. The Volksraad took measures to improve their financial condition and to enforce the collection of taxes. They then adjourned for the coming presidential election. During this political campaign and the contention of opposing parties involved therein, Shepstone went out into the Church Square of the Boer capital and read the proclamation, declaring that the Transvaal Republic had become British territory.‡ His proclamation set forth, however, that

* *Lucas*, iv, p. 273; *Parl. Papers*, lvii, p. 479; *C.*, 3114.

† *C.*, 1776, pp. 1, 2.

‡ *Lucas*, 274; *Accta. and Papers*, xlviii, pp. 333, 342.

"the Transvaal will remain a separate government under its own laws and legislation, and that it is the wish of Her Most Gracious Majesty that it shall enjoy the fullest legislative privileges compatible with the circumstances of the country." The manifesto was artful. It contemplated no immediate change in administration; it proposed no shock to established political institutions.

President Burgers made a formal protest against annexation, but immediately retired to the Cape on a pension.* The executive council, however, proclaimed it an act of violence and sent Vice-President Kruger and the attorney-general as delegates to England to plead their cause.† Lord Carnarvon declined to reconsider the act of annexation, but promised that Dutch interests would be fully considered. The proclamation purported to be in response to numerous addresses, memorials and letters.‡ It should be noted, however, that most of these came from the Leydenberg gold fields. The avowed object of the assumption was to protect the British possessions from the dangers to which they were exposed by Dutch encroachments on native territory and to reclaim the country from the anarchy prevailing within. Attention was especially called to the imminence of a war over a long standing boundary dispute between the Boers and the Zulus.§ Chief Cetewayo had long been training up a large and well-organized army of sturdy celibate warriors; they had made a regular practice of obtaining employment in the diamond and gold fields and after obtaining arms and a supply of ammunition returning to the Zulu ranks; the Zulu forces were assembled in strength ready for invasion.|| To settle the boundary dispute, Sir Bartle Frere,

* There was no way of explaining his action to the Boers except that he had been bought and that he was in collusion with Shepstone.

† Many of the Cape Colony Colonists also protested, C., 2482, p. 37.

‡ Lucas, iv, p. 273. For evidence, see C., 2482.

§ C., 1748, p. 251. The Boers claimed a small strip of territory which had been ceded to them by Panda, but Cetewayo refused to recognize this claim. Cf. map.

|| The territorial dispute was over a strip of land that had been ceded by the Zulu Chief Panda, but Cetewayo after supplanting Panda refused to recognize the grant.

December 11, 1878, recognized most of the Zulu claims to territory, but required them to make restitution of property taken and to surrender offending marauders. The Zulus refused to comply and an attempt to enforce this award by force brought on the war between Great Britain and the Zulus.* British arms were at last successful and Zululand was annexed to the Queen's domain. War was also precipitated with other native tribes with the same results. While the British authorities controlled the Transvaal they reduced to subjection all of the native tribes in whose behalf they had assumed to take control of the Boer government.

The Boers refused to fight under English officers; they maintained that, since Great Britain had assumed to deal with the natives, she could fight her own battles. When the Boer commissioners returned from London the people gathered outside of Pretoria to hear their report and having heard it voted that they would not consent to British rule.† They again urged their protestations against the assumption of the commissioner. They asked that the question be submitted to a "*plebiscite*." The only response was the arrest of Boer leaders on the charge of high treason. No hope of amicable settlement being left, they finally resorted to arms and took the field against the British authorities and at Laing's Nek and Majuba Hill defeated the forces sent against them. Fortunately for the Boers, there was, about this time, a change of sentiment in England. The wars which had been precipitated in various parts of the world, by the order of the imperialists, met with disapproval and the liberal party gained in strength. Mr. Gladstone and his colleagues made an issue of this policy and openly denounced it in the parliamentary campaign. The liberals were successful, and though the administration did not succeed in preventing a conflict between the forces in South Africa, no effort was made to retrieve the loss or console the imperialist's

*Lucas, iv, p. 80-282; C., 2222.

†Lucas, iv, p. 287 et seq.; C., 2367, 2482, 2503, 2666.

chagrin at defeat in the first contest. In 1881, a peace was concluded * and later a convention entered into granting to the Boers a qualified independence under the suzerainty of the Queen, † and, in 1884, in response to demands, further concessions were made granting the South African Republic entire independence, ‡ except for a right reserved by the British Crown to disapprove of treaties made with foreign powers within six months after notice of their negotiation.

The fourth and, as current events may prove, the last epoch of Boer national history, begins with the gold discoveries of 1885. Within a year, the de Kaap gold field in the east and the Witwatersrand in the south of the South African Republic disclosed a wealth of precious metal that set the whole world astir. Adventurers from every land flocked to Barberton and to Johannesburg and within a few months two mining towns sprang up having a population exceeding that of the entire Boer State beside. Most of these adventurers were British subjects, having an aversion for burghers and burgher institutions and a strong attachment for the government which, as the Boers conceived, had been a menace to their liberties since the time when the English first set foot on South African soil.

The naturalization laws prior to 1877 had been liberal. With the exception of a few changes the same liberality was shown until after the immigration of the gold seekers. It would seem therefore, that there was no aversion to allowing full rights of franchise to foreigners coming into their midst until the danger of "swamping" the Boer State presented itself. For them now to extend the privilege to all, would be to hand over the reins of government to "aliens" who had few interests in common with themselves—to those who, as the Boers thought, had come only to grow rich and then return to their old homes. The government therefore

*C., 3114, pp. 48, 58.

†Rept. of Com., xxviii, pp. 37-44.

‡State Papers, lxxv, p. 5.

thought it the part of wisdom to fix a time condition such as would insure permanence in residence, permanence in sympathy and interest—conditions such as would secure stability of government based on the welfare of those who would make the South African Republic their permanent home. Laws were passed which required fifteen years' continuous residence before the full franchise could be obtained.*

This provision would, in all probability, have provoked little opposition had it not been for the entire difference in economic interests of the "aliens" and the farmer Boers. As already indicated, the Transvaal, till this, had been hampered by a paucity of capital. The self-sustaining agricultural calling of its people, while sufficient for the maintenance of the individual, left little margin for the support of a highly organized government. Public finances had been in a bad way and this was one of the reasons assigned for the assumption of British control in 1877; a better financial scheme had been one of the conditions prerequisite to the settlements of 1881 and 1884, whereby the government was again surrendered to the burghers. The enormous production of gold, the increase in commerce following the sudden influx of population, the enlarged demand for explosives were conditions making an adequate revenue possible. A tariff was laid on imports and a tax was placed on the mines. After the Cape government had refused to supply ammunition, the Volksraad had provided a factory of its own. This was a government monopoly at first but later was turned over to a chartered company which was required to pay an excise. As fiscal measures these methods were remarkably productive, but in proportion as they were productive of revenue they were a charge on the industry of the country. Most of the burdens fell on the aliens. The farmers and cattle raisers purchased comparatively little on which tariff duties were levied; they did not

* In 1881, the franchise was granted after two years' residence. In 1885, the time was extended to five years. In 1887, a fifteen years' residence was required.

seriously feel the tariff burden. On the other hand, those who lived in the towns could not get supplies enough from the country and had to rely largely on imports. The situation in this respect was quite similar to that in England before the repeal of the corn laws and heavy tariff duties; it seemed to the Outlander townsman quite as insufferable. The other forms of taxation fell largely on the capitalist. The amount which the dynamite monopoly charged for explosives took a large item of profits out of mining and many of the low grade workings were thus rendered impractical. Then there was the tax on the mines; this was not in itself exorbitant (five per cent on income and two and one-half per cent on leases) but when added to the tribute paid to the dynamite monopoly and the tariff on chemicals, machinery, etc., it was a source of great irritation. The most objectionable feature was, that, directly or indirectly, the aliens were made to contribute most of the revenue, while for it they received little or no return. They asked for public improvements in their new cities but could not obtain adequate appropriations. The Boer government seemed to be deaf to all their claims.

While within the Transvaal there was growing discontent, matters were so shaping themselves without as to still further complicate the situation. The idea of a Confederation of British South Africa and the extension of the British sphere to the Zambezi, had long been the dream of imperialists, and the ruling classes at the Cape had persistently urged this upon the home government. It was the hope of realizing such a dream that had inspired Lord Carnarvon, Sir Bartle Frere, and the other leaders of the conservatives in power in 1877, to bring the Transvaal under British rule. After the consolidation of the diamond companies, Mr. Cecil Rhodes became the imperialist leader in South Africa and marshaled behind him all the corporate interests and combined influence of his many associates. The Boer Republics stood in the way of the success of imperialistic enterprise. Then too the

"scramble for Africa," which began with the efforts of the King of Belgium to consolidate the native tribes of central Africa under Belgian rule and which resulted in the carving out of the Congo Free State, the assertion of German protection over Damaraland and Namaqualand, and the joint effort of European powers to check the British sphere all lent zest to ambition and brought the English popular mind into temper for concerted action. Under such circumstances the "little England" party lost its standing and an imperial policy gained fullest support.

With such an atmosphere surrounding the Transvaal the grievances of the "aliens" within could not long be disregarded without serious trouble. Those in control of the mines were of the same ilk as those who were seeking to extend British dominion and any form of British control was to them more to be desired than the rule of the agricultural Boers; those in control of the diamond district, Bechuanaland and Rhodesia, were ever willing and anxious to bring the republic under the political and economic system of which they were the South African managers. The first fruit of this situation was a conspiracy between the political and economic managers of British South Africa on the one hand and the "alien" malcontents of the South African Republic on the other. The untimely capture of Dr. Jameson and his six hundred British regulars, together with the prompt measures taken to prevent co-operation between "aliens" within and "aliens" without, forced the British Government either to openly admit its complicity in and give sanction to a disreputable plot to overthrow the South African Republic and bring it under British rule, or to disavow the acts of its officers.

This frustration of clandestine enterprise gave to effort a new direction. A peaceful revolution was now planned, having its forces organized under the "National League." In a manifesto the grievances of the Outlanders were formulated and published, and a campaign begun to obtain the support

of popular opinion. The Boers looked upon this organization as a menace and it accomplished little in the way of redress. Finally the union appealed to the Queen. A petition was sent up containing over 21,000 names asking for British intervention in their behalf.* The grievances complained of by the "common" Outlanders were: (1) the excessive tariff on articles of domestic consumption; (2) the lack of proper water supply, sanitation, etc., in Johannesburg; (3) the preferment of the Dutch language; (4) religious favoritism; (5) oppressive police surveillance and lack of protection. The conditions of special grievance to the capitalists were: (1) the dynamite monopoly; (2) the tariff on machinery, chemicals, etc.; (3) the tax on the mines. The corrective measures advocated by the National League were: (1) an equitable franchise law and fair representation; (2) a constitution which should be framed by competent persons selected by representatives of the whole people; (3) responsibility to the legislature of the heads of the great departments; (4) an efficient civil service with adequate provisions for pay and pensions; (5) the removal of religious disabilities; (6) liberal education and the equality of the Dutch and English languages; (7) free trade in South African products. It was to secure these reforms that the British Government sought to intervene in the internal affairs of the republic.

The Boer authorities urged that such intervention would be wholly unwarranted, and not only contrary to international law but also contrary to express treaty stipulations; that they were willing to do what was reasonable and just, but that the demands were excessive and unreasonable. They urged that they could not be expected to immediately enfranchise the aliens nor so change the constitution as to

* While the "national union" was appealing to the crown for aid, another party was attempting a solution of the trouble through Pretoria. Believing in the ability of the people to cope with the difficulty, a counter petition was sent up from Johannesburg to the Transvaal government containing signatures of over 22,500 Outlanders, denying many of the charges made in the petition to the Queen, disapproving of the demand for foreign intervention and expressing confidence in the republic.

give to aliens the control of the government. Concessions had already been made in the franchise.* Moreover the president proposed a still further reduction of the time for full electoral rights from fourteen to nine years. A material reduction was made in the tariff and the price of dynamite was lowered. These changes, however, did not satisfy; overtures and negotiations passed between the two governments, and a conference between the representatives of both nations was held at Bloemfontein, May 30, 1899. Here Sir Alfred Milner, the British high commissioner, urged the franchise and the basis of representation as the principal questions at issue; and it seemed that in case an agreement could be reached as to these, all trouble could be avoided. The terms of franchise proposed by him were as follows:

"That every foreigner who can prove satisfactorily that he has been resident in the country for five years, and that he desires to make it his permanent place of residence, that he is prepared to take the oath to obey the laws, to undertake all the obligations of citizenship and to defend the independence of the country, should be allowed to become a citizen on taking that oath. This should be confined to persons possessing a certain amount of property or a certain amount of yearly wages and who have good characters."†

To this scheme President Kruger interposed the objection that "if the 60,000 (Outlanders) came in immediately they would swamp the 30,000 old burghers." Milner answered to this that "it would be unreasonable to give the franchise to the 60,000 at once. He proposed that a proper adjustment be effected by so arranging the constituencies that, while the Outlanders would not have a "contemptible minority," the old burghers might retain an effective control

* Before 1890 there had been only one chamber to the legislature, and after 1887 fifteen years of residence was required before an alien could obtain the right to vote for members. In 1890, the constitution was so changed that there were two legislative chambers instead of one, and the naturalization laws were altered so as to allow aliens to become naturalized and vote for members of the second house and for local elective officers after a two years' residence; two years later they could become members of the second house, and ten years later, fourteen years in all, the full franchise could be obtained.

† C., 9404, p. 25.

of legislation. President Kruger objected that the immediate enfranchisement of a majority of Outlanders, even though arranged in minority districts, would give to the Outlanders control by reason of the referendum provisions of the constitution, and proposed instead a scheme of gradual enfranchisement. By Kruger's plan the Outlanders were to be divided into four classes: (1) those who had already taken out papers might obtain the full franchise five years from the date of taking out; (2) those who had fixed their residence prior to 1890 might become citizens in two years; (3) those who had been residents two years, might become naturalized five years hence, and (4) all others might, by conforming to the conditions of naturalization, obtain the full suffrage in seven years. The residence qualification of voters for local elective officers and for the election of members of the second house, were to remain as before.

This plan was not satisfactory to Milner. Kruger then proposed that all matters of difference be considered and an attempt be made to come to an agreement by mutual concession. The Jameson raid indemnity, the question of Swaziland, and a plan for arbitration were proposed. Milner refused to consider any of these; he put forth the franchise as the all-important issue, and refused to consider any other until this was settled.* The objection made to considering arbitration was that Her Majesty's government would "not have any foreign government, or any foreign interference at all between them and the South African Republic."† "If," said Milner, "some other method can be devised of submitting to an impartial tribunal questions which may in the future arise between us, and perhaps even some questions which exist at present. . . . I will lay it before Her Majesty's government and do what I can personally to assist in a satisfactory solution of the matter." President Kruger then proposed a non-political arbitral board or court, but

* See C., 9404, pp. 32-6.

† C., 9404, p. 35.

nothing came of this, and the conference ended without anything having been accomplished.

Left to himself, the President then brought before the Volksraad a law embodying his plan for franchise reform. The law as passed, however, was objectionable, and still the franchise question hung in the balance of popular opinion, while the friction between the two governments went on increasing. The Pretoria Government at last conceded all that had been asked at the Bloemfontein Conference. The proposition officially submitted was: (1) "a five years' retrospective franchise, as proposed by His Excellency, the High Commissioner (Milner) on the first of June 1899;" (2) "eight new seats in the first Volksraad" (ten in all); (3) that "the new burgess equally with old burghers be entitled to vote at the election for state president and commandant-general." * In return the South African Republic asked Her Majesty's government: (1) "in the future not to interfere in the internal affairs of the South African Republic;" (2) "not to insist further on its assertion of the right of suzerainty;" (3) "to agree to arbitration." † Definite answer to this proposition was delayed till September 8, when the High Commissioner replied that "the settlement of other questions of difference, concurrently with that of the political rights of the Outlanders is of great importance. It is to my mind one of the most objectionable features of the reply of the South African Republic . . . that it absolutely makes no reference to the existence of any questions other than those of *citizenship* and *arbitration*." ‡

The concessions made did not seem to help matters, for no sooner were they announced than the government consulted the officers of the National League, and still further demands were made. They now asked for a two-year

* C., 9521, p. 46.

† C., 9521, pp. 46.

‡ C., 9521, pp. 63-4. A large part of Milner's reply, requiring over four quarto pages of printed matter to set it forth, is an attempt to harmonise his present position with that taken at the Conference three months before.

residence qualification for naturalization, and, as a means of securing the desired results, that the forts of the South African Republic be dismantled and demolished; that the Boer population be disarmed, and that "some material guarantee more substantial than mere paper conventions" be given.* But from this time forth the questions in dispute were not so much matters concerning the Outlanders, as those pertaining to the relations of the two governments. The British demanded a joint commission of inquiry, and asserted the right to interfere in all future questions on the ground of suzerainty; they also refused to treat the South African Republic as an independent people in matters of arbitration. The South African Republic repudiated all claims of British right to interference by joint commission or on the ground of suzerainty and urged arbitration. The tension between the two governments increased. British forces in South Africa were strengthened, and troops were moved toward the frontier. Propositions were made and withdrawn. Finally, October 9, the Transvaal Government, interpreting the attitude of Great Britain as one of menace and coercion, sent a message to the High Commissioner "to request Her Majesty's government to give it the assurance:"

(a) That all points of mutual difference would be regulated by the friendly course of arbitration or in whatever amicable way might be agreed upon.

(b) That the troops on the border of the Republic would be instantly withdrawn.

(c) That all reinforcements of troops which had arrived in South Africa since the first of June, 1899, would be removed from South Africa within a reasonable time with a mutual assurance and guarantee on the part of the Transvaal Government that there would be no attack upon or hostilities against any portion of the possessions of the British Government within a period of time to be subsequently agreed upon.

* C., 9530, pp. 9-11.

(d) That Her Majesty's troops, which were on the high seas, might not be landed at any port of South Africa.

The request was accompanied by the ultimatum that in case of "no satisfactory answer being received" within forty-eight hours, the Transvaal would "with great regret be compelled to regard the action of Her Majesty's government as formal declaration of war." Instead of giving such assurances, Mr. Chamberlain* instructed the British agent "to ask for his passports." Thus was war begun with the Transvaal; the Orange Free State, considering that its national independence hung in the balance with that of the Transvaal joined in the issue.

We now turn from the history of South African conflict to a consideration of the principles involved. The conflict between Boer and Briton prior to 1836 seems to have grown out of the same circumstances as did the conflicts between the home government and the other colonies. From the time of the accession of the Georges, England had been in the hands of the Tories. George III. had so far subverted the principles of the English Constitution of 1688 that the government had become a despotism. By wholesale bribery, by gifts of offices and honors to those who favored him, by taking away office, honors and pensions from those who opposed him, by high-handed measures he had realized his ambition to "be a king." During his insanity, 1810-20, his son, a dissolute spendthrift, having little regard for aught but his own pleasure, wore his mantle. The official reign of George IV. did not make matters better. The policy of the government in 1775 had driven the American colonists to revolution and later, in 1812, to a war for self-preservation; it had involved England in debt; it had brought misery and starvation to the English people. When the suffering masses of Englishmen at home undertook to hold public meetings and discuss their grievances it had dispersed them. During the ministry of the Duke of Well-

*C., 9530.

ington (1828-30) the government was driven to adopt certain reforms in England to avoid revolution. In the colonies, however, this pressure was not so keenly felt. One result was the Canadian Rebellion. The "Great Trek" was simply another consequence of this unendurable despotism.

Instead of resisting by force of arms the Boer preferred to quit the realm; but in leaving he carried with him the obligations of a subject to a sovereign. From a legal point of view the Crown would have been justified in taking measures to prevent his going. If he had left without official consent, the Queen might have insisted on the exercise of sovereignty wherever the Boer went, so long as he did not take residence in another civilized nation. No man, or group of men, has a right to leave a civilized society and government and go out into a wilderness to set up an independent establishment. The right to independent government can come only from a recognition of that right by the home government. This may come as a voluntary grant, or it may be an enforced recognition, the result of successful revolution. The Boers, therefore, had no right to independence. They went out, however, with the knowledge and consent of the agents of Great Britain. They went out under the belief that England "had nothing further to require of them." They at once instituted a government and maintained an orderly existence. They conducted their government on an independent basis for years before any attempt was made to assert British sovereignty. They were allowed to contest their right to survive with the most powerful tribes of South Africa, without assistance or proffers of assistance from the Crown. It is in consideration of circumstances such as these that Theal concludes that no Englishman can look with aught but chagrin on the acts of his government in wresting Natal from the Boers. But whatever be the attitude taken prior to 1852 the recognition of the independence of the Boer republic put to rest forever

all questions of British sovereignty; and thenceforth these nations, small though they be, were entitled to all of the amenities accorded by international law and custom.

In the subsequent transactions between Great Britain and the Boer states, however, we find a forceful illustration of the inability of a powerful nation consistently to accord to a weaker one a just settlement of difficulties where opposing interests are at stake.* By the Sand River (1852) and Bloemfontein (1854) conventions there was a clear understanding of the sphere of British influence in South Africa. The Boer republics, therefore, could feel no restraints in dealing with the native tribes north of the Orange other than the moral restraints of humanity. Such restraints, if any attempt were made to enforce them by another power, could not properly be exercised until after due inquiry, official remonstrance and notice of intention on the part of the intervening power. We find no adequate or proper steps taken on the part of Great Britain. The Basuto wars were begun with full knowledge on the part of the Cape government, and a full appreciation of the circumstances. When by the treaty at Thaba Bosigo, in 1865, the Basutos became subject to the Orange Free State, no official protest was made, nor was there any attempt at intervention in the war which followed until confronted by a demand for cessation of hostilities on the ground that Great Britain had received them as subjects. Such an act finds no place or sanction among the rules of international law governing the relations of friendly nations. Technically, it was an act of war on the part of Great Britain, which resulted in British acquisition of a portion of the territory of the Orange Free State.

The same may be said of the dealings concerning the diamond district. If a powerful nation had been in the

* This observation applies to individuals as well as to nations. It is on account of the unfitness of an interested party to render justice that courts are established. As between nations, where no such tribunal exists, where might makes right, no semblance of justice can be expected when interested nations of such unequal powers become involved in controversy.

place of the Boer states, Great Britain would never have opened negotiations with the natives for the cession of territory till after full inquiry had been made as to whether any relations existed between the republics and the tribes. On being informed that the republics claimed certain territory, Britain would have stepped in and assumed the government of this territory, only as an act of war. An act of war is of serious moment when a powerful nation is to be dealt with. It is only under greatest provocation that hostile steps are taken; but with a people powerless to resist, such an act amounts to little more than a peaceful negotiation. This is the only explanation of British action in the annexation of the diamond district. The payment of 90,000 pounds sterling to the Orange Free State and the subsequent recession of a large part of the Keate award were admissions of the untenability of the English position on moral grounds. But even in these acts it will be observed that no concessions were made against the interests of the British—they retained the diamond fields.

The assumption of control over the Transvaal State in 1877 was a complete denial of the right of the republic to exist. To support this in international law it must be shown that such conditions existed as would constitute a just cause for war. The grounds on which this action was based were: (1) that the government was bankrupt and unable to maintain order within; and (2) that native wars threatened the extermination of the Boers and consequently threatened the peace of all of South Africa. For these reasons it became the duty of the nation most affected, to intervene and establish order. In case anarchy actually prevailed, then there might have been some justifiable cause for interference and the assertion of British sovereignty, but fierce party strife or the fear that anarchy might prevail does not constitute a justifiable cause. Even the fears of the British in this case do not seem to have been well founded. In the first place, the Boers had ever proved more than a

match for natives, and furthermore, the Swazis were allies of the Boers and ready to join them in case of a Zulu invasion. In the second place, if the country was bankrupt in 1877, it was in a much more involved condition in 1881, when the British again turned it back to the Boers.* Great Britain must at least admit inconsistency in this. In the third place, the impotency of the republic does not seem to be borne out by subsequent events, for after the British had partly broken down the Boer Government, even in this disorganized condition, they asserted themselves with sufficient force to defeat the English forces which had recently overcome the natives. Laings Nek and Majuba Hill stand as a lasting reproach to the judgment of the British agents that the Transvaal was impotent to protect itself against forces then in South Africa.

The first questions arising after the discovery of gold in 1885 were those having to do with the rights of citizens of Great Britain residing within the Transvaal. A state has a right to protect its subjects abroad; it has a right to exact reparation for maltreatment of subjects by the administrative agents of a foreign government if no means of obtaining legal redress through the regularly constituted tribunal of the country exists. But all persons entering a foreign country must submit to the laws. If the laws are fairly administered

*The indebtedness on the date of annexation as officially reported was as follows:

Cape Commercial Bank Loan	£63,000
Railway Loan	93,833
Orphan Chamber Debt	16,543
Current Liabilities	128,351
Total	£301,727

Indebtedness at time of re-cession of Transvaal Government to the Boers in 1881:

Cape Commercial Bank	£48,000
Railway Loan	85,667
Orphan Chamber Debt	27,226
British Government	296,500
Total	£457,393

“they cannot, as a rule, complain of the effect upon themselves, however great may be the practical injustice which may be done to them; it is only when those laws are not fairly administered, or when they provide no remedy for wrongs, or when they are such, as might happen in very exceptional cases, as to constitute grievous oppression in themselves, that the state to which the individual belongs has a right to interfere in his behalf.” *

The *complaints* of the Outlanders respecting the tariff, the lack of public improvements, the preferment of the Dutch language and religion, the tax on mines, and the dynamite monopoly, furnish no basis whatever for interference. International law does not and could not recognize such claims. The practices complained of are common among the most civilized nations. The tariff in many respects was no higher than that of the United States; the lack of sanitation was not more startling than in some European cities; the complaints on account of language and religion might as well have been directed against England or Germany; the dynamite monopoly found its counterpart in many nations; the tax on mines was much smaller than that of British Alaska. Only one complaint could properly be made a subject for intervention, viz., that of lack of police protection and inability to obtain just treatment by the courts. This subject, however, was not a cause of serious friction between the two nations.

Neither were the *demands* of the Outlanders founded on international rights. Their demands for the franchise, for an equitable reapportionment of representation, a constitution framed by representatives of the whole people, responsibility of the administrative heads to the legislature, civil service reform and pensions to superannuated civil servants, might have been promulgated as the platform of a reform party, but are not proper matters for international controversy. Compliance with such demands might have been

* Hall, *International Law*, Oxford Edition, 1895, pp. 291-92.

expedient to avert revolution or insurrection. The very existence of the state might have depended on a better adjustment of its government to the wants of a majority of its population governed, but such representations furnished no ground for foreign intervention.*

The absurdity of the British position appears in strongest light in connection with the franchise controversy—the question which was made the main issue. It is a well established principle of government that no one, not even a citizen, has a *right* to the franchise, except as based on an act of government; the franchise is rather a privilege granted which rests on expediency. Much less may a foreigner demand enfranchisement as of right. When, therefore, England demanded the franchise for British subjects, it not only made a demand which was not based on right, but assumed to judge for the Transvaal what was expedient. But the absurdity appears still more strikingly in that its demand was one to compel a nation to allow a British subject to forswear his allegiance to Great Britain and become an alien to the country that was intervening for him on the ground of his being a British citizen. This was the attitude taken by a nation which, until within the last thirty years, did not even recognize the right of another nation to enfranchise British citizens.

The British Government has recently sought a different ground for the justification of its interference in the affairs of the Transvaal—that of suzerainty. This leads us to an investigation of the legal basis of this claim.

The doctrine of suzerainty is somewhat indefinite but the law writers are practically agreed that a protected state "is

* According to Hon. James Bryce, not even insurrection was justifiable. To use his language, "Put the grievances of which the Outlanders complained at their highest, and they did not amount to wrongs such as had in other countries furnished the usual pretext for insurrection. Life, religion, property, personal freedom were not at stake. The most that anyone suffered was to be overtaxed and to want some of those advantages which the old citizen had not possessed and did not care to have. These were hardships, yet not such as justified a recourse to arms." (Bryce, *Impressions of South Africa*, p. 442.)

prima facie independent, and consequently possesses all rights not expressly resigned."* This was the position taken by Lord Kimberley in 1881, in correspondence with the Boers.† Lord Derby also announced this theory in his letter to the Transvaal delegation at London, February 2, 1894, when he stated that "*By the omission* of the articles of the convention of Pretoria (1881) . . . your government will be left free to govern the country without interference . . . and shape its foreign policy subject only to the requirement . . . that any treaty with a foreign state shall not have effect without the approval of the Queen."‡ This was also the understanding of the parties present at the time of the making of the convention of 1884.§ The only claim made by the British was that they gained their power from the preamble of the convention of 1881, but even if such a construction comported with the general theory of suzerainty no rule of interpretation would allow of any force being given to a preamble when the articles themselves have been superseded. More than this no such claim was ever made by Great Britain until about fourteen years after the convention was entered into.

From the history of transactions between Britain and the Boer Republic, since the recognition of their independence, only one conclusion can be drawn: That while in treaty relations and in many negotiations the republics have been treated as independent nations having all the rights of parties in international law, the attitude of Great Britain has not sustained the theory. The Boers have in many instances been treated as if they were on the same plane as native tribes, without a status in international law. The British seem to have recognized no claim other than that of humanity. The Boers were treated as a race or tribe whose *individual members* must be accorded just consideration, but

* See Hall (Ed. 1895), p. 31.

† C., 2892, April, 1881.

‡ C., 3947, March, 1884.

§ C., 9507, August, 1899.

whose government should give way to a more highly developed civilization. And the Boer government has been too weak to compel respect for international rights.

The justification for British action, therefore, cannot be found in the tenets of international law and national justice; for this we must look to the principles of "higher civilization," "the higher purposes of the Empire," "progress," "imperial destiny." The ideals involved in these catch-phrases have little to do with international law or with national justice. The sanctions growing out of such ideals have given us the doctrines of "discovery," "colonization," "the obligations of civilized nations to native tribes," "spheres of influence," etc. It is by such ideals that the acts of the great nations, in forcing open the ports of China, are justified; it is on such that Christian nations demand the right of protection to missionaries among heathen peoples.

Nations, after all, are only groups of individuals associated together for the purpose of the most effective co-operation for common ends. For this, internal harmony is a prime necessity; a common law, regularly constituted tribunals of justice, representative government, local autonomy, a well-appointed civil service, and such political devices are methods for securing co-operation in the interest of the general welfare. Within the state, within the jurisdiction of the society working together for common ends, there must be an adjustment of controversies without violence,—otherwise there could be no co-operation; otherwise there would be anarchy, insurrection, and revolution. As between nations, however, such a method of adjustment cannot always be employed. Where the controversies are such as arise between individuals or do not have to do with the national purpose, with ideals of civilization and progress, a tribunal of justice may be invoked. Where, on the other hand, a nation's higher purpose or existence is at stake, the only solution is in a test of the fitness of that civilization to survive. Each nation believes that its interests are

paramount; each conceives that its ideals are better than those of its adversary; each conceives that its interests are being jeopardized, that it or its citizens are being deeply wronged by the acts of the other. The people of each become so convinced of the righteousness of their cause that they are willing to sacrifice their property, and, if need be, their lives rather than submit. All their ideals of progress, their institutions, their "civilization" is in the contest. Under such circumstances, war is inevitable.

The conflicts between natives and Europeans must be judged from this point of view. The missionary has usually supported the cause of the natives; he has lived among them and is primarily interested in their welfare; he has looked upon such conflicts from the point of view of national justice, having in mind native institutions and native customs. Gladstone and the liberal ministers were animated by the same motives. The liberal party had been active in securing reforms in national politics; it had been accustomed to strive for justice, equity and humanity in matters pertaining to the nation and national government. With such ideals before them the liberals carried their reforms into the colonies; they even assumed to deal with native tribes and inferior races according to those ideals which were esteemed necessary and proper to the internal administration of a great empire. This attitude, however, was out of harmony with ideals of "expansion" and "imperial control." When the other nations began to compete for commerce, or the great powers took steps to gain possession of native territory and to curtail British "influence," ideals of national justice were lost sight of; the party of commercial supremacy and broad dominion was given control over international relations. It is at times, when interests such as these are at stake, that the rights of weaker nations are ignored.

If we view the conflict between Great Britain and the Boers from the standpoint of British imperial policy rather than that of international law and national justice, we are

led to the conclusion that the assertion of British supremacy in South Africa was inevitable. As the dominant power, Great Britain could not tolerate the continued existence of a hostile government situated in the very heart of her dominion—a government based upon political and economic ideals inherently different from the principles of English civilization and progress. But even when viewed from this distinctively imperial standpoint, it still remains a serious question whether the same ends could not have been attained without arousing the intense racial hatred which the present struggle has engendered. No one can reasonably doubt that the unquestioned economic supremacy which the Outlanders were rapidly acquiring would ultimately result in their political enfranchisement and supremacy. By forcing the issues to a point which left the Boers no alternative but war, the British Government violated the sense of justice of a considerable portion of the people of Europe and America, and alienated the support of a large portion of her own South African colonists. The consequences may prove more serious than she now anticipates.

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RAILWAY DISCRIMINATIONS AND INDUSTRIAL COMBINATIONS.

In testifying before the Industrial Commission upon the subject of transportation, I made some observations upon the effect of rate discriminations in the building up and perpetuating of trusts and monopolies. It has been intimated that if what was there said could be put into some coherent form, it might not be without interest as a trifling contribution to a most interesting social problem.

Few people have any adequate conception of the importance, in a commercial way, of slight changes in the freight rate. Not long ago the railroads centering at Chicago imposed a terminal charge of two dollars per car upon every carload of livestock delivered at the stock yards in that city. The matter having been brought before the Interstate Commerce Commission, this charge was declared to be unlawful and the carriers were ordered to desist from imposing it. They declined to obey and proceedings were begun in the courts for the purpose of enforcing this order. The judge before whom the case came, while sustaining at a preliminary stage of the proceedings the action of the Commission, suggested a doubt whether the relief sought was after all of much consequence.

This terminal charge, applied to all the carloads of livestock entering Chicago during a single year, aggregates about \$500,000, and this amount is collected year after year. The courts of that metropolis are continually called upon to decide cases involving large sums of money, but seldom have they, or will they, pass upon one of greater pecuniary importance than is the question whether the imposition of this trifling switching charge of two dollars per carload is lawful.

Recently the Commission decided that grain rates from a certain limited section of the State of Iowa were too high,

and that they should be reduced from two to three cents per hundred pounds. The first thought is, of what practical value can this be to the grain producers of that section? Yet a moment's consideration will make it plain that it is in fact of great importance to the farmer. Without inquiring what effect a general reduction in grain rates might have upon the price of grain, it is evident that a reduction from a circumscribed area must operate to raise the price by exactly the amount of the reduction. Grain in this section would be worth from one to two cents per bushel more with the reduced rate in effect than it otherwise would. The testimony in that case showed that the average yield of corn was some thirty bushels per acre. The net money product of every acre of corn land would therefore be increased by this reduction in the rate from thirty to sixty cents, which upon a six per cent basis means a difference of from five to ten dollars per acre in the value of such land in that vicinity.

These two examples, which might be indefinitely multiplied, sufficiently illustrate the fact that a change in rates, which when applied to a single article or a single hundred pounds would be insignificant, is when applied to the entire volume of traffic which it concerns of the highest importance.

Along with this must be kept in mind another fact, which is perhaps of even more fundamental consequence in the examination of the particular question under discussion, and that is the extremely narrow margin upon which business is transacted at the present day. Some recent investigations of the Commission have presented this in a most striking light. Flour is to-day ground in this country upon a margin of two or three cents per hundred pounds, from four to six cents a barrel. Coal in large quantities is handled from the mine to the consumer at a profit of five or ten cents per ton. One-half cent a bushel is a fair profit on grain. Such is the sworn and undisputed testimony.

Let the meaning of this as applied to the freight rate be

clearly apprehended. It means that if the grain dealer can by any device secure an advantage over his competitor of one-half cent a bushel, he thereby acquires the market as against that competitor. If one miller can deliver his flour at two cents per hundred pounds cheaper than the competing miller, he grinds at a profit while his competitor does business for nothing. A concession of ten cents per ton in the freight rate on coal determines absolutely who shall and who shall not handle the product of a particular mine or a particular locality. The same is true of other commodities.

A monopoly is by its derivation and in its simplest definition the giving to one in the sale of an article an advantage which all do not possess. Let it be observed that in the production and handling of the staple commodities about the only point at which such advantage can be obtained is in the agencies of transportation. Grain is an article of prime necessity. Everybody can raise it; everybody can buy it; everybody can grind it; everybody can sell it; but it must be transported from the railway station of the producer to that of the consumer, often by one route, at most by few routes, and the expense of this transportation is usually a considerable part of its price to the consumer. So with most of the prime necessities of life. Ordinarily the means and methods of competition must be open to all alike; the avenues of transportation are the exception.

Consider next how preferences are or may be granted in transportation. The obvious and simple way is by the giving of a special rate or by the payment of a rebate. Previous to the enactment of the act to regulate commerce this was the usual method. That act made the giving of a lower rate to one shipper than was accorded others a crime. Both the carrier who grants the special rate and the shipper who receives it are liable to fine and sometimes imprisonment. This necessarily worked a change in the method of granting such preferences. First, the tendency is to seek some less obvious method than the payment of a rebate under that

name or the giving of the special rate as such. In this view many devices have been adopted. These sometimes take the form of an elevator commission; sometimes an excessive car mileage; sometimes the shipper pays the full interstate rate in consideration that he shall receive preferential rates within the state to which the Interstate Commerce Act does not apply.

Second, the effect is to reduce the number of persons with whom these transactions are had to a minimum. The fewer people who are engaged in the commission of these crimes the less the risk of detection. The traffic manager prefers to deal with one rather than many.

The central idea of the trust is the combination of large amounts of capital in enormous transactions. It has money with which to build elevators and cars. It has traffic in all directions and under all conditions. It lacks apparently the sense of right and wrong which might actuate its agents if they were acting as individuals. Many trusts go further. They demand concessions which the carrier dare not refuse for fear of the punishment which may be inflicted by the withdrawal of traffic. Not long ago a prominent railroad president wrote to a friend who was a small packer: "I hope the time will come when I can give you the same rate as your great competitor, but to-day I cannot."

Now, putting these four facts together, the great effect of the small concession, the narrow margin on which business is handled, the opportunity and inducement of the railway to prefer one shipper to another, and the manner in which that preference must be exercised, what should we naturally expect?

Should we not expect that the great shipper, and that to-day is usually the trust, would enjoy these preferences at the expense of the small shipper, and that this preference, while small, a single cent as applied to a bushel of corn, two or three times that upon a hundred pounds of merchandise, would give the market to the one receiving it? These small

sums often represent more than the entire margin upon which the business is transacted, and are in the aggregate millions of dollars annually. The unavoidable result must be to exclude the small competitor from these operations and to centre business in the hands of the large competitor.

And what is the fact? It is well known that for years past a large portion of the competitive railway traffic of this country, especially those articles which are moved in large quantities and in the handling of which a small amount in the freight rate is of great consequence, have not been moved upon the published rate. It is an equally well-known fact that during the same time the tendency has been to centre the handling of these articles in the hands of comparatively few persons. The United States exports annually enormous quantities of grain, but you can count upon your fingers the concerns which bring the bulk of it to the American seaboard. We are told that grain upon the Chicago market is handled by a half dozen concerns. It is brought from the fields west of Chicago into that city by as few. One company buys upon one line of railway and nobody else can buy there. Another upon another line. Exactly the same thing is true of beef, pork, lard, provisions and almost all those commodities which are the necessities of life.

Is there any connection between these facts? Is the discrimination in the freight rate responsible for the concentration of business in the hands of the few? There cannot be the slightest doubt of it. No person at all familiar with the situation has any other opinion. Freight rate discriminations are the most potent factor in the establishment and continuance of great combinations of capital at the present time. It may be doubted if a single one of those monopolies which have fastened themselves upon the country in recent years could have done so in the face of absolute equality in the freight rate. I do not now speak of this epidemic of combination which has swept over the business world in the last eighteen months, but of those so-called

trusts in the essentials of life. Strip these great combinations of all participation in and all dominion over the freight rate and you take away from them the most important advantage which they possess.

But how about the Standard Oil Company? The representatives of that combine stated under oath before the Industrial Commission that since the enactment of the interstate commerce law of 1887 it had received no rebates and accepted no special rates. Here then is this typical trust, this, to the popular apprehension, arch-monopoly which flourishes although it pays the open rate.

The representatives of the Standard Oil Company stated that before 1887 it received rebates in common with other shippers. The good fortune of that company in those days was that its concessions far outran those of its rivals. It is generally understood that the genesis of that institution was railway favoritism. Its competitors assert that it derives just as real assistance from the manipulation of freight rates to-day as it ever has.

Departure from the published tariff is not by any means the only method of railway preference. The most grievous discriminations are often occasioned through the maladjustment of the rates themselves. It is in this manner that the Standard Oil Company is said to obtain its advantage to-day.

For the purpose of illustration, take what is called New Haven territory; that is, the territory controlled by the New York, New Haven and Hartford Railroad Company, embracing the southern part of New England. This territory upon most commodities takes substantially the Boston rate. A comparison of these rates in 1887 with present rates reveals a peculiar fact.

In 1887 the rate from Cleveland to Boston on grain and the products of grain was twenty-two cents, on iron articles twenty-two cents, and on petroleum twenty-two cents. The rate in October, 1899, was upon grain fifteen cents, upon

iron articles twenty cents, and upon petroleum and its products twenty-four cents. While the freight rate generally has declined, while the rate on probably every other article of general consumption has declined, while the actual cost of transportation has declined, we find that the rate upon petroleum has advanced.

There is another peculiar fact. On most commodities which are shipped from the West into New Haven territory there exists a through rate. In the case of petroleum and its products there is no such arrangement. Around New Haven territory is found a Chinese wall beyond which no carload of petroleum can penetrate unless it pays the local rate over the New Haven road to its destination. Grain, iron, coal—almost everything may be shipped from Cleveland into this territory under a joint tariff which in amount is substantially the same as the Boston rate, while kerosene must pay the Boston rate to the confines of that territory and an added local rate beyond. Thus the rate on a carload of corn from Cleveland to Boston was in October fifteen cents per hundred pounds and to New Haven the same. The rate on petroleum from Cleveland to Boston was twenty-four cents and to New Haven thirty-six cents.

The significance of these two facts becomes apparent when we consider how the petroleum business is handled in this territory. The Standard Oil Company has extensive storing facilities at East Boston and refines at seaboard points, or transports at low cost the refined product to such points from whence it is taken in tank boats to East Boston and thence distributed. Independent refiners at Cleveland assert that under present freight rates they cannot compete with the Standard Oil Company in this territory; if they had the former rate of twenty-two cents they might, if even the present Boston rate were applied as a through rate into that territory they might, but under existing adjustments they are absolutely excluded.

Still another circumstance contributes to the same end.

According to the tariffs of the New Haven Company petroleum and its products are second class unless the party to whom it is consigned has a private siding or a tank opposite the rails into which he can pump that petroleum from the tank cars, in which case it is fifth class. Now, the Standard Oil Company has these tanks and private sidings over all this territory, while comparatively few are owned by independent refiners. Persons without these facilities must pay the second-class rate, while the Standard Oil Company pays the fifth-class rate. The fifth-class rate between Boston and New Haven is ten cents per hundred pounds; the second-class rate twenty cents per hundred pounds, the difference between the two probably representing several times the profit in handling one hundred pounds of kerosene oil.

This is an illustration of one method by which the adjustment of the freight rate helps the Standard Oil Company against its competitors. For another and different way, take the comparative rates on petroleum and its products from Cleveland and Chicago to New Orleans and corresponding territory. The distance is somewhat greater from Cleveland. Both these cities are competitors in the markets of that territory. The demands of their merchants and of the railways serving the two localities have established a general relation in rates by which a difference of about two cents per hundred pounds in low class freight is made in favor of Chicago. Taking twenty-five articles of the most common consumption which bear about the same rate with petroleum, we find that in almost every instance the Cleveland rate is two cents per hundred pounds higher than the Chicago rate. Linseed oil, for instance, takes a rate of twenty-eight cents from Cleveland and twenty-six cents from Chicago. When, however, you reach petroleum, you find that while the rate from Cleveland to New Orleans is thirty-one cents, the rate from Chicago is twenty-three cents, a difference four times as great as that in case of almost every other commodity taking a corresponding rate. Now, there are large inde-

pendent refiners at Cleveland. The Standard Oil Company has extensive refining works at Whiting, near Chicago, which takes the Chicago rate, and there are no independent refiners in that vicinity. The Cleveland refiners say that this is an unjust discrimination against petroleum when refined at Cleveland, the purpose and effect of which is to deliver that southern territory over to the Standard Oil monopoly.

Attention is not called to these facts for the purpose of stirring up sentiment against trusts in general or the Standard Oil Company in particular. With much of this sort which is said, I have no sympathy. The Standard Oil Company, so far as I have observed in the department with which I have to do, is no worse than other trusts, nor so bad as many. These discriminations, if they are discriminations, to which I have called particular attention, are purely business propositions. The New Haven road puts in these tariffs because more revenue is yielded by them. Doubtless the Cleveland lines are compensated in some other way for the loss of traffic from there. The rates, such as they are, are open.

What I desire is to emphasize the fact that such discriminations do exist; to fasten attention upon the importance which they play in the upbuilding and maintaining of those great aggregations of capital which are thought to threaten the welfare of the body politic; to reiterate that they absolutely shut out the small shipper. Before we adopt some of the radical measures which have been suggested in dealing with the trust, before we amend the Constitution of the United States or enact laws which may impinge upon the rights of property or trammel our commercial development, this phase of the question should be looked to.

Just what ought to be done with the monopoly may be a grave question, but that our railways, those arteries through which the commercial life blood of this great nation flows, should be open to great and small alike, admits of no

doubt, and that they are not so open, admits of as little doubt.

It may be asked why the Interstate Commerce Commission does not prohibit these rate inequalities, thereby securing equal treatment for all shippers. The answer is that it is powerless to do so for reasons which have been often stated. The cardinal purpose of the Act to regulate commerce is to secure equal treatment for great and small, but without the necessary amendments the beneficent provisions of that Act are a nullity.

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THE RISE OF THE NATIONAL BOARD OF HEALTH.

The acquisition by the United States of vast tropical territories has brought into prominence as a national problem the question of sanitary administration. It is generally admitted that the control of the tropics by the white man has thus far been a source of expense rather than of profit. Until the white man's science has eradicated from these regions the causes of malarial infection this will continue to be the case. The losses that may result from this source have often been experienced by this country. To mention only the most serious epidemic, in 1878 yellow fever was introduced from Cuba, and cost the South, first and last, some two hundred millions of dollars, or a sum equal, on a fair estimate, to the profits from our Cuban trade for a whole century.

Medical science has already found the causes of some of these dread scourges, and it is safe to affirm that the causes of all are discoverable. If discoverable, they may be held in check, if not entirely eradicated. Thus we may look forward to a time when yellow fever will be as rare in Havana as is small-pox in Philadelphia to-day. But to bring this about concerted and persistent effort will be necessary. That both the executive and legislative departments of the government appreciate the importance of prompt action is shown by recent events.

In two of his messages to Congress Mr. McKinley has advocated the creation of a sanitary commission. As yet Congress has not acted on his suggestion, but it has under consideration, as this article goes to press, a bill re-establishing the National Board of Health. Pending definite action on this bill, the commerce of the United States, which goes to all parts of the world, is controlled by no law which

guarantees that due regard will be paid to sanitary considerations in the conduct of that commerce. Our country, with its pest-infected tropical dependencies, has no regular agents for studying and combating such pests.

This is, on the face of it, an anomalous state of affairs. With the finest laboratories in the world, with scientists the peers of any, with government surgeons and physicians who are quoted the world over as authorities on germ diseases, there is absolutely no one whose business it is to look out for national health interests or to collect and publish national health statistics. In a word, we have at present no national sanitation. For nearly a century after the adoption of the Constitution national sanitary legislation was limited to provisions for the health of those who were placed by the Constitution under the special protection of the general government. For example, Congress passed regulations affecting soldiers, sailors, government agents, Indians and residents in the District of Columbia. On the other hand, wherever property or citizenship rights were protected by state law, Congress left protection of health to state authority. In the following pages the various attempts to establish a National Board of Health prior to 1879 are described and the powers given to the board established in that year are enumerated.*

The first effort in Congress, looking toward general national sanitary legislation, was made in 1796, when, on April 28, Mr. S. Smith, a representative from Maryland, proposed a resolution authorizing the President to name the place and manner in which incoming and outgoing vessels should perform quarantine.† This resolution was referred to a special committee. The next reference to it is on May 7.‡ “A bill to regulate compensation

* A second paper will describe the work of the National Board of Health, explain the reasons for its discontinuance, and discuss the question of the re-establishment of such a board at the present time.

† *Annals of Congress*, 1796, p. 1227.

‡ *Ibid.*, p. 1329.

to clerks and a bill to regulate quarantine were twice read and referred to Committee of the Whole." Four days later the bill, consisting of two sections, was debated by the House in Committee.* The first section authorized the President "to direct at what place or station in the vicinity of the respective ports of entry and for what duration and particular periods of time" quarantine was to be performed. The second section instructed collectors and other government agents at various ports to aid in the enforcement of state quarantine and health regulations. The debate upon the bill lasted two days. Seventeen Congressmen from ten states took part, several of them speaking two or more times and at considerable length. The first clause, which gave the National Executive power to locate all quarantine stations, was struck out by a House vote of 46 to 23.† On May 3 the bill went to the Senate,‡ was referred to a committee of three and reported May 24 with an amending phrase. Government officials were to aid in the enforcement of state quarantine and health laws "until general regulations relative to quarantine are made by law." Without discussion, so far as the annals show, this amendment was rejected, and on May 25 the original second clause was passed§ and became law.||

The lines on which the bill was debated can best be indicated by extracting from the debate itself. This was on the motion of Representative Heister, of Pennsylvania, to strike out the first section.¶ The strong speeches against the principle of the first section came from Pennsylvania,** which contributed four speakers, New York†† and Massachusetts.‡‡ The two strongest advocates of the principle of

* *Annals of Congress*, 1796, p. 1347-1360.

† *Ibid.*, p. 1359.

‡ *Ibid.*, p. 87.

§ *Ibid.*, p. 105.

¶ *United States Statutes at Large*, 1, ch. xxxi, p. 474.

¶ *Ibid.*, p. 1347.

** Gallatin, Swanwick, Kittera, Heister.

†† Williams.

‡‡ Lyman.

that section were from Maryland* and South Carolina.* Strange to note, the principal argument against the practicability of the first clause came from North Carolina and Georgia. Having no quarantine, Rhode Island† and Connecticut‡ each had an ardent advocate of both the practicability and principle of national quarantine. It is only fair to Pennsylvania to state that Litgreaves took exception to every argument made by his colleagues, and went so far as to doubt "whether upon this subject the states had any jurisdiction at all, and whether all such power is not vested by the Constitution in the Congress under their general authority to regulate commerce and navigation."§

The arguments in favor of Mr. Heister's motion ran as follows: "At the time of the Constitution, the states were considered as possessing the power of regulating quarantine." "Each individual state has a right to legislate on this subject for itself." "It is a state affair." "Individual states have sole control." "If (any) states have no (quarantine) regulations . . . it is because they have not felt the want of them." "Each state understands its own concerns better than the general government." The bill is not only "unnecessary and improper, but it is an injudicious interference with the internal police of the states." "It is an attempt to extend the power of the Executive unnecessarily." "It is by no means a commercial regulation." "Quarantine has nothing to do with commerce." "If commerce is incidentally affected . . . by regulations for the preservation of health . . . it ought to be." The states can enforce, for . . . "New York and Pennsylvania have never had any trouble." "The master of the vessel who refused to stop at (quarantine) agreeably to the orders of state government (s) might be prosecuted at Common Law."|| Two southern members add,

* Smith.

† Bourne, p. 1350, 1357.

‡ Hillhouse, p. 1352.

§ P. 1350.

|| Page, of Virginia, p. 1337.

"Georgia is too far for the general government to act."

"The great extent of country makes impracticable a common law."

To these arguments the Southern opponents of the motion responded: "Epidemic diseases imported, affect the United States at large. *They do not merely affect the city where first imported, but they obstruct the commerce of all others; they not only embarrass the commerce but injure the revenues of the United States.*"* "This (question) is essentially connected with the powers of Congress in an important subject (*i. e.*, the regulation of commerce)."

"States have or may have their own health laws, but the performing of quarantine is in the direction of the general government; it is a commercial regulation." "There is no authority in the state government to regulate quarantine." "The individual states . . . want the power to carry (quarantine regulations) into execution." "If (states) have stopped ships with disease on board, they had no legal right to do so." Two northern members strengthen the argument thus: † "It is a commercial regulation, to which by the Constitution Congress alone is competent." "Gentlemen might as well say that individual states have the power of prohibiting commerce as of regulating quarantine. *If they have power to stop a vessel one month they might stop it for twelve months.*" "They might interfere with regulations respecting our trade and break our treaties."

The issue was fairly drawn. Mr. Hillhouse, of Connecticut, offered two amendments. (1) "That the President make quarantine regulations *where states have none.* (2) That officers assist to enforce state laws until Congress *shall make regulations to the contrary.*" ‡ These amendments were rejected. The first because it seemed highly improbable that a state should not have some sort of law if any were

* Smith, of South Carolina. The italics are the author's throughout.

† Bourne, of Rhode Island, and Hillhouse, of Connecticut.

‡ P. 1352.

needed. The second because it was useless. Future Congresses, like the present, would of course refuse to give to the central government what the Constitution and the physical limitations of distance and time imposed upon the states. The first section of the original bill was voted down as wrong in principle and impracticable, the second section was adopted as sufficient. The Senate likewise refused to admit the possibility of future interference by Congress and voted the second clause only.

In 1799, Congress passed an act prescribing just how government agents should conduct themselves when aiding in the execution of state quarantine and health laws. The bill was introduced by the same gentleman, who had three years before presented a bill for national quarantine, and who evidently regarded the matter as settled in favor of non-interference on the part of the national government. He makes no comment and the bill is passed without discussion.*

Early in 1800 the whole question is reopened. The circumstances are significant. Congress receives two memorials asking for a general quarantine law. The first is from the health office in Philadelphia, and the second from the select and common councils of that city.† The first reads: "In consequence of plague having raged in Morocco, Great Britain has enacted very strict quarantine laws, but, although the port of Philadelphia might be watched by all the vigilance in the power of the health office, there is *no general law* to keep that most dreadful scourge of the human race from being introduced into *some* ports of the United States." The second memorial sent from the councils—two bodies with which the citizens of Philadelphia were in closest communication—prayed that "Congress may take such precautionary measures to prevent the introduction of the plague . . . as to their wisdom shall seem fit."

**United States Statutes at Large*, iii, p. 619. February 25, 1799. This act repealed the act of 1796.

† *Annals*, 1789-1800, pp. 578, 633.

These memorials were read to Congress and referred to the Committee on Commerce and Manufactures. A month later a letter from the Secretary of the Treasury was laid on the table, which presented estimates for an appropriation to carry into effect prospective national quarantine and health laws. The whole matter died in committee.

Again, two years later, New York citizens petitioned Congress and complained of the quarantine laws of that state.* This petition went to the committee which had for two months been considering whether any and what alterations were necessary to be made in the 'Act respecting Quarantine and Health Laws.'† This committee never reported further than to recommend a bill for the port of Alexandria, Va. Congress took no action upon this bill and never called for the report of the committee, and the question of quarantine was not again considered by Congress until 1832.

Of no little significance is it that within six years from the initial defeat of national quarantine both Philadelphia and New York should have requested Congress to reverse the decision of 1796. Had it not been for the opposition of these two cities in 1796, with their presumed efficient quarantine, Congress would undoubtedly have assumed responsibility for general and uniform quarantine regulations from Maine to the Gulf. "It makes a difference whose ox is gored!" In 1796, New York had a quarantine station. Quarantine was then "merely a police regulation" and not subject to Congressional legislation. In 1802, this "police regulation" had become an obstruction to New York commerce. Quarantine was then claimed to be a commercial regulation—a national question. In Philadelphia in 1796 considerable money had been expended upon a quarantine station. There were local reasons for interpreting quarantine regulations to be "mere internal police regulations."

* *Annals*, Seventh Congress, First Session, p. 991.

† *Ibid.*, p. 415.

Four years later, when commerce in the city had grown, it was plain to the Philadelphia Health Office that plagues spread in defiance of state and local boundaries. The councils evidently were ready to sacrifice their own health office and its independence, in order to have "quarantine regulations" interpreted as "regulations of commerce." Both New York and Philadelphia repudiated the philosophy of their former representatives but, unfortunately for them, the harm had been done. Congress had now a precedent to worship. Memorials and petitions for national quarantine could not compete with questions of tariff, bank and the impressment of seamen.

Again, in January, 1831, the Philadelphia Board of Health memorialized Congress and petitioned for a national inquiry into the nature of cholera and the means of preventing its introduction into this country. For a third time, in 1832, Pennsylvania acknowledged her inability by her own laws to protect herself from epidemic invasion. The Committee of Commerce reported a bill to enforce quarantine regulations and cited the difficulty presented if a boat chose to anchor in the middle of the Delaware River. Neither New Jersey nor Pennsylvania could enforce inspection laws. "It is therefore necessary that the authority of the general government should supervene *to supply the deficiency and thus guard the health of the country.*"* Without opposition this bill was ordered to a third reading. Three months later it returned to the house. A Boston man made the sole opposition.† He did not believe in quarantine. It was a farce at Boston. He did not believe yellow fever, cholera, etc., were contagious anyway. The Lower House did believe these diseases were contagious, did believe that quarantine was an effective way of preventing their spread and considered Boston's poor quarantine methods a splendid and convincing argument for a strong national law. No one was heard objecting on

* *Congressional Debates*, viii, part ii, p. 2445.

† *Ibid.*, p. 3857-58.

grounds of constitutionality or impracticability. The bill went to the Senate where it died without a hearing. Such giants as Webster, Clay and Calhoun had no time for a consideration of physical germs, it was theoretical epidemics they wished to quarantine.

Chief Justice Marshall is often quoted against national quarantine regulations. In 1824, in the case of *Gibbons vs. Ogden*, he does make the statement that "quarantine laws are component parts of . . . the immense mass of legislation . . . not surrendered to the general government." But he says on the same page:* "If the legislative power of the Union can reach them it must be for national purposes." . . . "By making the provisions in aid of the states' (quarantine laws) . . . the *opinion is unequivocally manifested*, that Congress may control the state laws as far as it may be necessary to control them, for the regulation of commerce." According to Chief Justice Marshall then, the definition of "commercial regulation" was the only restriction upon national quarantine legislation.

In the turbulent days of Jackson and the later Kansas controversy, it is not at all surprising that such matters as quarantine should have been neglected. Nor is it surprising that upon its first reappearance it should be made to play a rôle in the great drama of the pre-secession days. In March, 1859, the Senate Committee on Commerce, with an Alabama man as chairman, reported a bill authorizing certain changes of government buildings at the New York quarantine station, together with a States' Rights amendment.† "Provided, that nothing herein contained shall be construed as authorizing the establishment of a quarantine station or stations, or the erection of warehouses for the reception of cargoes of vessels in quarantine, *without the consent of the state in which the said quarantine and warehouse may be established.*" On this committee were Clay,

*9 Wheaton, p. 206.

† *Globe*; Thirty-fifth Congress, Second Session, p. 1643.

of Alabama, Toombs, of Georgia, and Reid, of North Carolina. Pennsylvania, Maine and Michigan also had representation on the committee. The quarantine problem was not a serious one in Maine or in Michigan—the only party interested was Pennsylvania. Against this one interested state was the “solid South,” and we do not wonder that at such a time the Senate agreed to an amendment whose only value was to commit that body to a non-interference policy. The House did not consider the amendment and it remains as a mere relic of ante-bellum tactics.

In the Reconstruction period, different minor laws were passed without opposition, chiefly relating to old hulks which were ordered placed at the service of local quarantine authorities.* These did, however, by implication recognize the exclusive power of the state to legislate on quarantine. The Senate debated a motion providing for national quarantine regulations to prevent the introduction and spread of Asiatic cholera. In 1866 a joint resolution instructed the “Secretary of War to appoint under the direction of the Surgeon-General a commission to visit Constantinople to inquire into the best means to *prevent the spread of cholera.*” The Senate rejected this resolution, and re-enacted the instructions of 1796. It was thought sufficient to follow precedent especially when some members raised the constitutional question involved in national quarantine. One Senator opposed the measure because attempts to control cholera were “absolute folly,” . . . “shooting child’s arrows at the moon.” †

In 1869 ‡ a resolution was presented asking that the “Secretary of the Treasury be requested to examine and report as to the fitness of Morris Island, South Carolina, for a quarantine and hospital station, and as to the propriety of purchasing said island for such purposes; and that he be

* See Act December 13, 1864; March 24, 1866, Joint Resolution, Appendix, p. 428; February 28, 1867, Joint Resolution, Appendix, p. 246.

† Debates, pp. 2444, 2484, 2524.

‡ *Globe*, 1868-69, p. 415.

further requested to report in regard to the *feasibility and propriety of adopting a uniform system of quarantine laws applicable to foreign vessels and vessels of the United States, whether engaged in the foreign or coasting trades, and of placing superintendence of the execution of such laws exclusively under control of the Treasury Department.*"

In 1872 Congress frequently considered the question of uniform national protection against epidemics. January 24 the House instructed the Committee on Commerce* to investigate, . . . "whether our commerce with foreign nations and upon the coasts and waters of the United States and at any port thereof was subjected to any oppressive or illegal requirements or restraints, under color of quarantine (or) health laws." February 6, Roscoe Conkling expressed a desire on the part of New York interests to reopen the question of national responsibility for the obstruction to commerce attendant upon quarantine.† He asked for an investigation into methods at New York City and declared: "*One object of the information is to know how far Congress should take jurisdiction of these subjects.*"

In 1871, Clarke, of Texas, had introduced a joint resolution providing for a more effectual system of quarantine on the Gulf Coast. It was necessary for Mr. Clarke to present the resolution again in 1872.‡ This time the Committee on Commerce reported, and the resolution passed the House. The Senate was not satisfied with existing quarantine on the Atlantic Coast or anywhere else, so the bill as finally approved authorized an inspection of all port cities on the Atlantic Coast as well as on the Gulf of Mexico. Existing methods of quarantine were to be examined and improvements suggested which "will least interfere with the interests of commerce." The preamble stated the reasons for ordering a national investigation: "Whereas experience has

* *Globe*, 1871-72, p. 570.

† *Ibid.*, p. 842.

‡ *Globe*, 1870-71, p. 1438. *Globe*, 1871-72, p. 499.

proved that the present system of quarantine on the Sea and Gulf Coast is inefficient to prevent the ravages of yellow fever in the cities and towns of that section."*

Events proved that the country offered practically no opposition to the entrance of yellow fever. In 1878 occurred the most terrible epidemic of yellow fever which the country had known for nearly a century. This time the ravages of the disease were not confined to any particular section. Northern seaport cities had numerous cases, and inland as far north as Ohio the scourge raged. In a short time over 100,000 men were stricken, 20,000 died, and over \$200,000,000 were spent in checking the devastation. Not only did the non-infected North contribute directly its millions for the relief of the pest-ridden South, but indirectly it suffered still more because of obstructions to its commerce.

In the Senate† the epidemic was said to have been "so destructive to human life, and *the interests and prosperity of the whole country as to make it a subject of gravest public concern.*" To the subject the President first gave his attention in his annual message.‡ He mentions the fact that Congress would be asked to endorse the action of the government which furnished the stricken country with 1,800 tents and rations worth \$25,000. He adds: "The fearful spread of this pestilence has awakened a very general public sentiment in favor of national sanitary administration, which shall not only quarantine but have the sanitary supervision of internal commerce in times of epidemics and hold an advisory relation to the state and municipal health authorities, with power to deal with whatever endangers the public health and which the municipal and state authorities are unable to regulate."

Upon the convening of Congress resolutions were pre-

* *Globe*, Appendix, p. 822. See also pp. 4094, 4425.

† Preamble to Bill for Committee to Investigate Epidemic Diseases.

‡ Richardson's Messages, vii, p. 492. From mere habit the Act of 1799 had been re-enacted.

sented in each house authorizing the appointment of committees to "inquire into the history and means of prevention and arrest of yellow fever and cholera."* The committees were to employ clerks and experts and gather testimony from every possible source. Upon the suggestion of Senator Edmunds, the committees were also instructed to consider whether the right to legislate on epidemics was constitutional.†

The committees reported in February.‡ Twelve experts had been employed, eight from southern and four from northern states. These experts had visited various districts which had been infected and gathered an immense amount of information. They were of the opinion that yellow fever was not indigenous to any district of the South.§ It was recommended that there be absolute non-intercourse with foreign infected ports, and that Congress establish a well-regulated national quarantine. "Public health is second in importance to no question which addresses itself to the consideration of the legislator." The committee found the constitutional authority for legislation on epidemics in the general constitutional power to "regulate commerce with foreign nations and among the states."||

Both houses acted upon the report of the committees. March 3, 1879, a National Board of Health was created, and June 2, 1879, after a spirited debate in both houses,¶ the powers of the board were extended and clearly defined. The fourth section of the act instructed the board to consult with sanitarians throughout the country, "special attention being given to the subject of quarantine, *both maritime and inland*, and especially as to regulations which should be established between state or local systems of quarantine and

* December 2, 1878. Senate, p. 2. House, p. 64.

† Records, viii, p. 31.

‡ Senate Reports, ii, 734.

§ Of 88 epidemics of yellow fever, from 1683-1878, 77 are known positively to have been of foreign origin.

¶ Article I, section 8.

¶ *Congressional Record*, pp. 1539-1552, 1634-1650.

a national quarantine system." National rules were to be imposed where local rules were not sufficient or lacked the means of execution. These national rules when made and approved by the President were to be promulgated by the National Board of Health and enforced by the state sanitary authorities. "If the state shall fail or refuse to enforce such rules, the President may detail an officer for that purpose."

The board consisted of eleven members appointed by the President with the approval of the Senate. Although men of international reputation they were to receive not more than \$10 a day and reasonable expenses, while acting for the board. Four departments of the government furnished four members who received no extra compensation *as members*. They were John S. Billings, Surgeon of the Army; Thomas J. Turner, Medical Director of the Navy; Preston H. Bailhache, of the Marine Hospital Service, and Solicitor-General Samuel F. Phillips, from the Department of Justice.* The other members of the board were: Professor Cabell, LL. D., of the University of Virginia, first president of the National Public Health Association; Professor Stephen Smith, of New York; Tullio S. Verdi, of Washington, D. C.; Samuel M. Bemis, M. D., Louisiana; Henry I. Bowditch, M. D., Massachusetts; Hosmer A. Johnson, M. D., Illinois; Robert W. Mitchell, M. D., Tennessee. The Executive Committee consisted of representatives from the army, navy and marine hospital service, and of Professors Cabell and Smith. The Finance Committee was made up of Dr. John S. Billings, Dr. Verdi, and Professor Smith. These facts will prove of importance when we come to consider the work laid out for the board and the reasons given for its discontinuance in 1882.

The board met and organized April 2, 1879. It has left on record its own interpretation of the functions assigned to it by the act of June 2, which is as follows:

* See National Board of Health Report, 1879.

"As at the period of the passage of this law there were only state and local systems of quarantine in existence in this country, it is proper to infer

"1. That Congress did not regard state and local systems of quarantine adequate to meet all the emergencies that had arisen or that might arise in the prevention of the introduction of contagious and infectious diseases into this country from foreign countries.

"2. That Congress contemplated the ultimate establishment of a national quarantine system, and that it intended that such regulations should be made between state and local systems of quarantine and the national quarantine system as would secure harmony of action and would give a complete and effective system of quarantine to the United States."

"The national authority is required to secure

"(a) International sanitary co-operation.

"(b) The collection and distribution of sanitary information.

"(c) The preparation of maritime sanitary regulations.

"(d) The enforcement of maritime sanitary inspections in foreign ports.

"(e) The erection and maintenance of refuge stations.

"(f) The aid of state authorities.

"(g) The organization of quarantine where none exists.

"(h) The power to add necessary rules to any deficient quarantine."*

What was the change in conditions which made this assumption of power by the national government seem reasonable and necessary?

It will be remembered that in the debate of 1796 but two limits were set to national legislation in health matters, that of *national* interest and that of *practicability*. So long as epidemics were sectional, Congress might justly refuse to interfere with state regulations. Again, no matter how

* Report 1882. Appendix I, p. 484 ff.

general the evil, Congress was not bound to act until it discovered some practicable means of combating that evil. In the days of stage coaches and sailing vessels, hand-loom and wooden ploughs, it was quite true that disease in Charleston was of little importance to Boston. It was probably true that a general law to govern New York and Savannah would have been impracticable. So long as the obstruction to national commerce was infinitesimal it was of no avail to prove that quarantine was a regulation of commerce. On the other hand, as soon as the commercial interests of any particular section, such as New York or Philadelphia, were unnecessarily obstructed by the presence or absence of these so-called police regulations, the representatives from that section were ready to accept a more liberal interpretation of *national* and *practicable*.

It was a mere question of definition, time and distance being the determining factors. By 1879 definition was much easier. Railroad and telegraph had annihilated space and time. New Orleans was then nearer to the White House than New York to Philadelphia in 1796. The South was no longer isolated—her commercial centres were in daily communication with Chicago, the far East and the far West. A case of yellow fever in Pensacola could send chills through the Mississippi valley. A case of cholera imported through the port of New York might produce an epidemic in Chicago within a fortnight. The epidemic of 1878 had proved the whole Mississippi basin to be a unit—every part suffering with every other part. By the act establishing a national board of health Congress recognized by overwhelming majorities in both houses, that industrial development had rendered *all sections of the country interdependent in matters of health as well as wealth*, and that isolation was no longer possible. As Representative McGowan, of Michigan, expressed it: "Such a plague as swept over a number of southern states last summer has a direct and immediate influence upon commerce. It paralyzes and destroys it.

It dries up the very foundations of trade. And to say that the power of Congress over commerce could not be exercised to save commerce itself would seem to be absurd.”* Or, as Senator Blaine believed, “in regulating quarantine, Congress would only be following a precedent, the constitutionality of which was no longer questioned. The national laws had since 1866 governed not only the importation of diseased cattle from abroad, but their transportation *between* and *within* the States. In the same way national laws prohibited the importation of adulterated drugs and medicine.†”

The country at large was in sympathy with this interpretation. For fifty years the system of internal improvements at national expense had been accustoming all sections to a liberal construction of the terms “commerce” and “general welfare,” as contained in the Constitution. Epidemics were introduced by *national* commerce. Laxity in the local control of these epidemics had frequently reacted disastrously on the commerce of the whole nation. Unreasonable detentions or inspections affected not merely the particular merchandise involved, but the various interests waiting for the delivery of that merchandise. If national supervision of quarantine would give a feeling of security to commerce, there would be a tremendous saving on every board of trade in the land. If \$100,000 expended upon a national board of health would diminish by *one day* the duration of an epidemic such as that of 1878, the *nation* would be repaid many times over.

Commercial interests were convinced that uniform quarantine under national supervision would put a stop to vexatious delays and panics. National quarantine was to mean obstruction to disease, not commerce, the killing of germs, not trade. Medical journals, sanitary authorities, and organizations such as the National Public Health Association

* *Congressional Record* for 1879, p. 1639.

† *Ibid.*, 1866, pp. 2162, 2163.

predicted that national control over quarantine and national investigations into the causes of epidemics would hasten the time when yellow fever and cholera would create as little alarm as diphtheria and small-pox. The National Board of Health began its work in June, 1879, spurred on by public confidence and expectation, and inspired by the belief that it would be the means of ushering in a new era when sanitary science would triumph over the diseases of the tropics.

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Philadelphia.

BRIEFER COMMUNICATIONS.

THE CHICAGO TRUST CONFERENCE.

The Trust Conference held in Chicago, September 13-16, 1899, under the auspices of the Civic Federation, brought together, from all the parts of the country, representative men entertaining the most opposite views with regard to trusts and other combinations of capital. As a plan to obtain a fair and clear statement of the economical doctrines which are now prevailing it was a complete success; every party was represented. States, financial organizations and universities, every important social group had some one present fully qualified to convey the views of the constituency which he represented, and was given an opportunity to express those views. It is true that not every individual member had the opportunity to state his particular shade of opinion; it would have been impossible to hear more than four hundred orators in three days; but no important economic interest was left unrepresented, and all the speakers were allowed to express their sentiments with perfect freedom.

That orators should attract more attention than professional economists was to be expected. Such is almost always the case in large assemblies, especially when the galleries are crowded with a multitude of eager listeners whose opinions may be already fixed and who are ready to applaud the speakers holding the same opinions as themselves, and uttering these opinions in forcible and impassioned oratory. But all undue manifestations of partisanship were at once rebuked by Judge William Wirt Howe, chairman of the conference. Moreover, the good-natured audience often applauded generously the brilliant expression of sentiments which were not endorsed by the majority; but which were evidently sincere on the part of the speakers, and were expressed in a vivid and felicitous manner. Both Hon. Bourke Cockran and Colonel William Jennings Bryan were received with great enthusiasm and heard with rapt attention; and often the applause came from political opponents who admired the orator and the gentleman, although greatly differing from him in political and economic tenets.

Perhaps, on account of this extreme impartiality, the result may prove unsatisfactory to many persons who had expected definite conclusions from an assembly which comprised so many men of superior ability. Both the gentlemen whom we have last mentioned would have liked to have a declaration of principles adopted by the conference; but it soon became evident that a perfect fusion was impossible. Many

delegates had been instructed by their constituencies or by the governor of the state to which they belonged, not to commit themselves to any line of policy, and, moreover, the views were so varied and so divergent that it would have been very difficult indeed to arrive at harmonious conclusions. The meetings were very instructive, and consequently of high educational value; but the conference was not a deliberative assembly, much less a legislative body, and the delegates did not feel themselves bound to pass resolutions which might possibly be considered as campaign documents, or as the first booming of cannon which heralds an approaching conflict.

The problems before the conference were outlined with great clearness and impartiality by Professor J. W. Jenks, of Cornell University. He reduced all the questions before the assembly to a few leading ones:

1. Is it true that industrial combinations and monopolies have abolished competition? Managers of the most important industrial combinations assert that they have much competition. Many students of the question have asserted that among great industrial organizations competition is fiercer than among smaller establishments, and that combinations do not abolish competition, but simply raise it to a higher plane. So long as there is no monopoly there is at least potential competition. How far can an establishment which sells only a high percentage, say 75 or 90 per cent of the total product, secure monopolistic gains?

2. Are not the combinations of capital and the combinations of labor based on the same principle, namely, the natural right of men to unite their efforts in order to obtain a legitimate end by lawful means? If the answer be affirmative then a law to restrain one class of organizations should be held to restrain the other also.

3. Is it true, as lately asserted, that "the mother of all trusts is the customs tariff law?" Many industries, however, in which great combinations exist, have no protection of their products by tariff. Besides, managers of combinations which have been formed in protected industries assert that it has been the fierceness of home competition that has driven them into combination, and that, if the tariff has been in any sense the cause of the competition, it has been such only by developing the home industry to such an extent that fierce competition was unavoidable.

Other combinations of great power have been formed in industries protected by patents. Would it be practicable for us to so amend our patent laws as to remove from them the element of monopoly, while still securing to the inventor, by royalty or otherwise, a suitable reward for his inventive skill?

It has been frequently asserted that the success of many of the leading combinations of capital has been due to the reduced rates granted by the railroads; but to what extent and to whom do the railroads grant discriminating rates? And what further remedy can be found for such discriminations beyond that which now exists under the interstate commerce laws? Here evident difficulties confront the student of interstate legislation. First, It would be unjust to prevent the railroads from discriminating between short hauls and long hauls, because short hauls often require the same expense on the part of the carrier as long ones, and hence the companies seem justified in charging *relatively* more for short hauls than for long ones. Next, one of the chief items of expense in railroad transportation is the handling of the freight; hence, other things being equal, it is fair to charge more for freight that requires several handlings than for freight that remains in the same cars from the place of shipment to the terminus where it is delivered. Thirdly, When large amounts of freight are shipped at the same time economies are made which would become impossible if the same weight or volume were divided into several lots handed over to the company at different times: as a consequence, the price of transportation cannot be the same in both cases. There are several other causes which may increase or diminish the expense of the public carrier. Therefore, if an equitable law should be framed to enforce perfect equality among the patrons of the road, it must amount to this: that the same price must be charged to all for equal distances under precisely the same economic conditions.

4. Managers of great capitalistic organizations usually assert that they have been driven to combine through the fierceness of competition; that capital is really on the defensive; that it is only through the power that comes through a large aggregation of capital that a fair profit is possible and that we are able to meet foreign competition in foreign trade. How far are these assertions true?

5. Over-capitalization suggests other problems. Most of the newer combinations have issued large amounts of stock, common and preferred, as well as of bonds. How much of this capital is represented in plant at a fair valuation? How much is "water?" Should a fair valuation be based on the cost of the plant or on its earning capacity? If the earning capacity be largely due to the genius of one man, should we put into permanent securities a value depending on the power of one short-lived individual? Again, a street railway or a gas plant which costs \$500,000, and whose franchise may have cost little or nothing, may pay good profits on one or two millions. Is it in the public interest that a public franchise be thus capitalized? Would

publicity adequately protect the investor? Are the interests of the stockholders and the interests of the consumers the same under present industrial conditions?

6. The sixth question refers to the effects of combination on prices, on wages. Does combination eliminate middlemen, and if it does is there any sufficient compensation for their losses? Will it be possible in a comparatively short time for the persons who are thus ruined, as well as for the laborers driven out of employment by the combination, to secure employment elsewhere through the added demand that may come merely from the saving of cost and of labor?

7. If the state needs to interfere in this modern industrial movement, what form of legislation is wisest? Should it be destructive, and attempt to prevent combination, or should it be regulative, permitting combination freely, but attempting to control it so that evils to the public may be avoided? How far will legislation prove effective either to regulate or to destroy? How far must such legislation be national; how far must it be left to the several states?

The professor concludes as follows: "There are other problems suggested by the industrial combination. I have mentioned the most important ones to which my attention has been called. It is hoped that wise and conservative, though bold, action may in no long time solve some of them."

Professor J. W. Jenks had outlined the problems before the conference so clearly and so concisely that we have found further condensation almost impossible. It would be impossible to examine in detail the answers which other speakers gave to the problems proposed by the Cornell professor. We hope that the knotty problems so clearly stated will be taken up *seriatim* by experts, and solved so far as the present state of economic knowledge can afford the necessary data to arrive at satisfactory conclusions. In the meantime all we can do is to give briefly the principal arguments advanced either for or against the trust.

But what is a trust? Let us not be terrified by the mere word "*trust*," much less by the assertion that it is an *octopus*, a *hydra-headed monster*. Such are the terrifying and incomprehensible noises of which [the Hon. Bourke Cochran justly complained in his final remarks. Some say that trusts have long ceased to exist, others that trusts are more grasping than ever. If the monster has survived the anti-trust laws, let us stare it in the face and describe it as accurately as possible. When well known it may lose its power to frighten people. In a recent work we find the following definition: "*Trusts* are combinations by which the property of several companies, individual manufacturers or retail dealers is deeded to one or several *trustees* who

need not be the owners of any part of the property thus intrusted to them. The members of the association receive in exchange stock or certificates which warrant to them a *pro rata* share in the profits of the combination."

Thus described the monster is not very terrifying, but it has some ugly features, and a questionable shape. The legal owner of the property is different from the real one; he can increase or diminish the production at will, open or close stores just as suits the interest of the corporation, get rid of competitors by underselling them, for local losses are to him of little consequence. These extensive powers lead to abuses and monopolies in restraint of trade, and make those who were before independent tradesmen the humble servants of the corporation. It may be objected that partnerships and other combinations of capital may lead to similar abuses of corporate wealth. This is true; but in the absence of fictitious ownership, these abuses are more quickly discovered and more easily suppressed. What then is monopoly? It is such a use of capital or of privilege that competitors are driven from the field, and that the person or persons who hold monopolistic powers can drive all other competitors from the field and remain practically the only manufacturers or the only merchants. We do not pretend that these definitions are perfect; but they will serve to prevent confusion in the use of words. Throughout the conference it seemed to us that the words *Trust*, *Monopoly*, *Combination*, were used somewhat loosely, and we would avoid equivocation by a clear statement of the meaning which we attach to these words.

We cannot suppose for a moment that anyone could be so blind as to condemn all combinations of capital, and all labor organizations. Such wholesale condemnation of aggregate wealth or of combined energy would evidently be both unjust and absurd. Hence, when speakers seem to condemn all possible trusts, we will assume that they wish to denounce the possible or real abuses of the power which is conferred by the condensation of capital; and when others complain of the breaches of valid contracts, or of the undue exactions of some societies of workingmen, we take it for granted that they do not mean to object to labor organizations, but to the possible abuse of the corporate energy of combined labor. Whenever men, either individually or as members of a corporation, wield a tremendous power, they are liable to make an unjust or unwise use of it. What is wanted is not *Destruction*, but *Regulation*, and regulation must be carried on at the least expense of individual freedom compatible with social order. With this understanding we shall try to examine some arguments in favor of the trusts, or rather of corporations which use large amounts of capital, and some of the accusations which are urged against them

by those who fear or denounce the abuses to which the control of vast amounts of capital leads or is supposed to lead.

In the conference held at Chicago, one of the ablest, if not the ablest, defender of trusts was Professor George Gunton, president of the Gunton Institute, New York. He took up the issue fairly and squarely, utterly regardless of some tokens of disfavor which came from the galleries, but which were soon checked by the chairman, and gave way to a respectful and even sympathetic hearing, when the fearlessness and cool reasoning of the speaker began to be realized by the anti-trust sympathizers. His arguments were in part as follows:

"The trust question is only a new phase of an old problem, the problem of free industrial enterprise. . . . Every improvement since Wyatt's spinning frame and Hargreaves' spinning jenny has had to fight its way against the popular prejudices of the time. The handloom weavers marched throughout England and broke the power looms. Hargreaves, Arkwright and Crompton were driven from their homes for inventing new methods of spinning."

After drawing attention to the similarity of the arguments employed by those who, in the past, objected to the introduction of new and improved machinery, and of the objections urged now against trusts by those who would suppress all the combinations of capital, Professor Gunton regrets that the agitation should have assumed a political form. "Men of national reputation are asking the people to reverse the policy of industrial freedom and return to the doctrine of arbitrary paternalism; specifically, to suppress large corporations. Are the American people ready for such a step? There is only one point of view from which this subject can be considered properly—the interest of the 'public.'" Probably, *the public* here means the citizens taken distributively; while *the people* would mean the same citizens in their corporate capacity. It would seem at first sight that, the units being substantially both in *the public* and in *the community*, the interest of the public and the interest of the community are absolutely identical; yet, upon close examination, it may appear that social interest and the interests of social units are sometimes at variance, or, at least, appear to be at variance. Here the professor expresses in the clearest and most felicitous manner the nature and genesis of a *trust*. If all writers and speakers were equally careful in defining the meanings of the words which they use, a great deal of useless declamation might be spared and well spared. The law of *group evolution* which he clearly states is most important, although, perhaps, not universal. Here we beg leave to introduce a long quotation which seems essential to do justice to the theory of Professor Gunton.

"It must be remembered, first of all, that the trust, be it good or

bad, is only one among a large number of experiments in industrial organization, which the progress of the last fifty years has evolved. One of the marked features of the economical development of the century is the radical change that has taken place in the character of competing units. Under the primitive hand labor method the competing unit was the individual. With the development of factory methods as a competing unit the individual was superseded by partnerships, because they could more economically employ the new methods. With the growth of inventions partnerships were superseded by corporations. With the growing completeness of machinery and the magnitude of business, corporations grew larger and larger, until the corporation is now the prevailing form in the most advanced countries.

"Nor is this limited to the capitalistic side of industry. It is equally characteristic of the labor side. The competing unit in the labor market is no longer the individual laborer, but the group, the union. The factory system has made it impossible for the individual laborers to be competitors, because it is impossible for them to make individual contracts. In all matters pertaining to wages, hours of labor, conditions of work, whether by piece or by day, it is the group and not the individual that is considered. Each factory, and, in most instances, each industry, pays uniform wages, works the same hours, and has substantially the same conditions, and when they are altered for one they are altered for all. In short, the progress during the nineteenth century has irrevocably established the group as the competing unit; the union as the unit on the labor side, the corporation as the unit on the capital side.

"Now, the trust was one of the experiments in the evolution of this group unit. Numerous forms of organization and association were tried. Corners, associations to fix prices, were tried, but these were uneconomic and failed, usually wrecking somebody in the collapse. The trust was another form. The trust differed from these in that it was an attempt to integrate productive forces. Corners and trade associations were mere manipulators of prices, not producers. Trusts were *bona fide* producers.

"The difference between the trusts and the ordinary corporations was not economic, but legal. The trusts are a formal merging of a number of corporations or firms under one management, which holds the property in trust for its original owners, giving certificates for their respective claims. There have been very few *bona fide* trusts; the Standard Oil trust, the sugar trust and a few others. But through the intense popular opposition, resulting in adverse legislation, these have all disappeared. They have been disbanded and

converted into simple corporations, with capital stock owned by whomsoever chooses to invest, and governed by the majority vote of the stockholders. So that, if there was anything peculiar or alarming in trusts, the evil has disappeared, because the trust is gone.

"In reality, then, what we have are simply corporations. The whole question which this conference is called to consider then is; what is the influence of large corporations upon public welfare?"

The professor proves conclusively that our industrial expansion has kept pace with the development of corporate production. He takes his data and figures from the senate report on wholesale prices and wages, and they are, in the main, unassailable. A philosopher might possibly object that the growth of public wealth and the growth of corporations are parallel expansions which may not bear to each other the relation of cause and effect, and that, admitting that the growth of corporate industry is the cause of the immense expansion of wealth, it is not proven to be the only cause, but nobody can avoid being deeply impressed by this constant parallelism which the figures clearly establish. The impression is confirmed when we reverse the process and find that, where large capitals are wanted and corporate industry does not prevail, improvements are slow and prices remain high. Professor Gunton does not hesitate to hold up as examples of corporate success the companies that have been most abused by anti-trust speakers, like the Carnegie Iron and Steel Company, the American Sugar Refining Company, the Standard Oil Company, which is probably the most severely censured. He speaks as follows:

"That company furnishes an unlimited cash market for every barrel of petroleum that it produces in this country. Moreover, it gives employment to 35,000 American laborers, pays \$100,000 a day in wages, and exports, in competition with Russia, into Europe and Asia nearly 1,000,000,000 gallons of oil a year, bringing about \$60,000,000 in gold into the country. Here is an industry, all told, which furnishes employment directly or indirectly to about 45,000 American laborers, paying about \$125,000 a day in wages, bringing a balance of \$60,000,000 of gold a year into the country, all of which would be lost to the country but for the economic energy and superiority of the Standard Oil Company. The small refineries outside of the Standard could not hold their own a month in competition with the Russians. In short, it has preserved the industry to this country, and at the same time improved the quality of the people's light and reduced its price 75 per cent; and all this without government aid, purely as a highly developed productive enterprise conducted against the government-aided capital of Russia."

We cannot, within the limits of a review article, follow the speaker

through the other phases of his subject. His able paper is probably being printed while we are writing these lines, and when given to the public it should be read by all those who wish to know what can be said in favor of corporations.

Professor Kinley, of the University of Illinois, presented a report in which is produced another class of economic facts carefully gathered by the Civic Federation of Chicago, which throw a somewhat different light upon the evolution of combined capital. We give in full the most important part of the report, because it does not bear condensation:

"Questions were sent to wholesale dealers, commercial travelers, railroads, combinations, labor organizations, contractors and manufacturers, economists, financiers, public men, etc.

"According to these replies the following articles cannot be bought outside of trusts: anthracite coal, bagging, grass goods, cigarettes, copper (rolled), coffee, glass, iron and steel (certain iron and steel products such as chains, nails and shovels, pipe, etc.), glucose, kerosene oil, liquors (domestic distilled, except some Kentucky whisky), matches (certain makes), raisins, roofing (felt and slate), powder and ammunition, stoves, sardines, starch, snuff, solder, scythe snaths, tin plate, tinware, tobacco (certain brands as Battle-Ax, Horse Shoe, Duke's Mixture and Durham), white lead, white pine lumber, woodenware and yeast cakes.

"In answer to the question what effect combinations have on the distributor, one hundred and ten say it is injurious because it decreases their business and profits and tends to eliminate them, and forty-nine wholesale dealers think they have been benefited by the formation of combinations.

"In answer to the question what effect combinations have on the consumer, one hundred and five think consumers are injured, while only twenty-four think they are benefited, and forty-one think there is no difference.

"The items of information about prices aggregate five hundred and six. Four hundred and fifty-two were to the effect that prices rose after combinations were made, twenty-four that they fell, fifteen that there was no change, and fifteen that they were fluctuating, two hundred and ten do not specifically assign a cause, one hundred and eighty-nine assign trusts as the cause of the change (increase in most of these cases), and forty assign other causes, usually 'increased demand,' 'rise of raw materials,' or the tariff."

The facts supplied to us by Professor Kinley must lead us to believe that trusts, after all, are not quite as innocent and harmless as their defenders represent them.

The history of the tin-plate industry as traced by Mr. Byron W. Holt, is certainly edifying reading. The fact is that man is naturally ambitious and greedy, and that when he has the power of fleecing his fellow men, he often yields to the temptation, and, if law does not interfere, he succeeds in accomplishing his purpose.

But, so far, we have consulted economists only. Let us see whether we can add to our knowledge by appealing to orators. With oratory as such this review is not directly concerned; but any new information which orators may impart is no less valuable because conveyed to us in eloquent periods. The conference possessed among its members a large number of very fine speakers; but the interest centred on two men, Hon. William Bourke Cockran and Colonel W. Jennings Bryan. Let us abstract from their eloquence and try to derive some new information from their memorable contest.

In the conference both orators evinced extraordinary powers, both could by turns descend to homely illustrations and rise to the highest flights of oratory, both could be so plausible that the hearers lost sight of objections while under the spell of their eloquence. But where did they agree? Where did they disagree? What remedies for the existing evils were proposed by either of them? These are the questions which are most interesting to the student of practical sociology.

Both orators agreed upon some points. Both agreed that combinations of capital could be highly useful; but could also do much harm; but, while the New York orator held that the mischief was merely accidental, and due only to mismanagement, Colonel Bryan asserted that the evils complained of were the natural outgrowth of large accumulations of capital, whenever such accumulations were not sufficiently controlled by law.

Both admitted that publicity was indispensable to prevent or check abuses; but, while Mr. Cockran thought that publicity was sufficient without the addition of troublesome legal enactments, Mr. Bryan thought that the strong arm of the law was necessary to keep within the bounds of justice the tremendous power of the trusts. In fact, he thought that the combined force of the national and state law must be invoked.

In order to show the necessity of resorting to a mighty power in order to withstand the corporate strength of accumulated capital, he drew a striking parallel between the God-made man, *i. e.*, the individual, and the man-made man, or the corporation. (1) "The former is weak and nearly on a par with his fellowmen, the latter is a giant which can grow in strength and wealth beyond calculation." (2) "When God made man He placed a limit to his existence, so that, if he were a bad man, he could not do harm long; but when we made

our man-made man we raised the limit on his age." (3) "When God made man He breathed into him a soul and warned him that in the next world he would be held accountable for the deeds done in the flesh; but when we made our man-made man we did not give him a soul, and if he can avoid punishment in this world he need not worry about a hereafter."

Both admit that privileges granted by the government for special rates or rebates granted to some individuals or corporations, place other shippers at a disadvantage, and violate justice; but Mr. Cockran treats it as a hypothetical case, which rests on often repeated assertions which the orator is unwilling to accept. Mr. Bryan accepts them as facts.

Over-capitalization seems unimportant to Mr. Cockran as long as the accounts are open to every stockholder. Mr. Bryan objects to it even when publicity is granted, on the ground that the evident result is to make the public pay for "water." It might be added that if interest is paid on such watered stock, and some of the stock is given without the capital being paid in, the bona fide stockholders who have contributed the money pay interest on the "water" which is dealt out to their neighbors. Mr. Cockran says very truly: "If an ordinary industry capitalizes for \$5,000,000, knowing that it could not pay dividends upon \$1,000,000, and then, without any positive falsehood, deceives by what is commonly called finance "scenery," so as to induce the public to buy a fictitious value, I call that a swindle." Here both speakers completely agree. Mr. Cockran is justly severe on mismanagement when he says: "But the management of corporations has been the blackest page in all our history." Both agree also in condemning monopoly; but Mr. Cockran says truly that he does not understand what is meant by a "partial monopoly." "A partial monopoly is very much to me *like a partial whole*." Yet this phrase, like the Hibernicisms of Sir Boyle Roche, has a truth concealed under its obscurity. A company which absorbs seventy-five per cent of the business is able to control the prices and the wages, and can drive out of the market any small corporations and every retail dealer who does not accept its dictates.

Both desire to encourage competition. To the objection that corporations crush it, Mr. Cockran replies that the corporation itself is the *result* of competition. Perhaps it might be added that it is not only the result, but the end of it, just as the reaching of the terminus is the end of the motion towards it.

This is not the place to treat the question of strikes, although it occupies an important place in the discourse of the great New York orator. It could not be dismissed in a few words, and we have

already overtaxed the patience of our readers. We must conclude these remarks by mentioning the remedies advocated by the two great antagonists, and let those who have followed us so far judge for themselves of their relative merits. We have said enough to show the importance of the topics which were treated in the conference, and to prompt the readers to go through the complete official report which will soon be published, if it has not already been given to the public.

REMEDIES SUGGESTED BY HON. BOURKE COCKRAN.—“My friends, these are my suggestions: Publicity for corporate mismanagement, prohibition under penalty for special favors, right of action against any corporation whose service is suspended, except an absolute defence proved that it was at all times ready to discuss with its employes questions at issue between them.”

REMEDIES SUGGESTED BY COL. W. J. BRYAN.—“I believe that we ought to have remedies in both state and nation, and that they should be concurrent remedies. In the first place every state has or should have the right to create any private corporation, which, in the judgment of the people of the state, is conducive to the welfare of the people of that state. I believe we can safely trust to the people of a state the settlement of a question which concerns them. If they create a corporation, and it becomes destructive of their best interests, they can destroy that corporation, and we can trust them both to create and to annihilate if conditions make annihilations necessary. In the second place the state has, or should have, the right to prohibit any foreign corporation from doing business in the state, and it ought to have or has the right to impose such restrictions and limitations as the people of the state may think necessary for foreign corporations doing business in the state. In other words the people of the state not only should have a right to create the corporations they want; but they should be able to protect themselves from any outside corporation.

“But I do not think this is sufficient. I believe in addition to a state remedy, there should be a federal remedy, and I believe Congress has, or should have, the power to place restrictions and limitations, even to the point of prohibition, upon any corporation organized in one state that wants to do business outside of the state. I say that Congress has, or should have, power to place upon that corporation such limitations and restrictions, even to the point of prohibition, as may to Congress seem necessary for the protection of public good.”

R. I. HOLAND.

Georgetown.

THE INTERNATIONAL COMMERCIAL CONGRESS—
PHILADELPHIA, OCTOBER, 1899.

There has recently been held in Philadelphia, under the auspices of the Commercial Museum, a congress unique in the history of the world,—a congress comprised of more than three hundred leading statesmen, merchants, and manufacturers, specially appointed for the purpose by every government in the world, and by the principal Chambers of Commerce in all of the principal shipping centres of the globe. The congress was called together with a double object in view:—first, to discuss, in general, commercial conditions obtaining in all parts of the world, and to make recommendations looking toward the facilitation of trade between all parts; second, to acquaint these gentlemen, all of influence and repute at home, with the industrial and commercial development of the United States; with our ability to manufacture and sell on equal terms with the other great industrial nations of the world; and with the thorough fairness and good faith in our attempts to secure business abroad.

International congresses of various descriptions have been of frequent occurrence in this age of expositions; but such gatherings have been, as a rule, principally of a scientific, literary or religious interest rather than of commercial value. The interchange of ideas by delegates of all nations has repeatedly proven to be of value in influencing the direction of subsequent thought, and the congresses held during the Paris Exposition of 1889 and the Chicago Exposition of 1893 will long be remembered for their contribution to contemporary thought. It is true that in both of these expositions, commercial congresses were held, and the same may be said of a number of other expositions of minor importance; but in each case these congresses were made up rather of theorists than of practical men. Their results have been certainly of value, but as they did not unite in themselves men of recognized leadership and influence in the countries so represented, their results have not been so widely disseminated as may perhaps have been desired or projected by their promoters. The necessity of meetings which should bring together men of this type has been peculiarly evident in the United States. Because of the great strides which have been made in recent years in our industrial and commercial development, our nation's standing and repute abroad should be everywhere placed beyond question. This necessity has long been fully realized by the Philadelphia Commercial Museum, which for several years has been actively laboring, with municipal and government support, for the extension of American trade abroad, and for devising better

facilities for foreign trading than are now at the disposal of the American manufacturers. The industries of this country have been somewhat unfortunate in that their product has not always been introduced into the foreign markets by men of sufficiently high standing, or by methods suitable to the tastes and requirements of the people whose trade has been sought. It would be manifestly unfair to make this a general statement or to cast any discredit on the magnificent efforts of a number of our leading manufacturing and commercial houses whose representatives regularly travel through all of the world's commercial centres and whose established branches are to be found actively canvassing for trade in competition with those of the best firms of England and the European Continent. It is nevertheless a fact that on the part of the larger importers in what may be called the neutral markets of the world, the excellence of the American manufactures and the character of the manufacturers themselves has not been so unquestionably established as to lead the great buying firms of those countries to extend their business in full confidence to the United States. This state of affairs has long been evident in many lines of trade in South America, and nearly three years ago the Commercial Museum of Philadelphia decided to make practical attempt to counteract this opinion. A representative of the museum made a tour of South America, visiting every important centre and carrying letters from the United States Government to its diplomatic and consular representatives. Advisory Boards and Commissions were everywhere established, and great care was exercised to choose what might fairly be termed the leading men in the commercial life of each place; the men whose favorable or unfavorable opinion might go far toward deciding the local reputation for American manufactures. These men were invited to come to the United States to take part in a Pan-American Commercial Congress, and to see for themselves the character of our industries and trade. In most cases they were men who had never before visited this country, and who had, therefore, not had an opportunity of properly judging its present condition. As a result of these invitations there was convened in Philadelphia, in June, 1897, a congress, comprising delegates from practically every American republic. The congress was in session in Philadelphia for a week, and the delegates were then taken by special train to visit other important cities of the United States, the tour including New York, Fall River, Boston, Springfield, Hartford, New Haven, Pittsburg, Dayton, Cincinnati, Louisville, St. Louis, Chicago, Milwaukee, Grand Rapids, Detroit, Niagara, Schenectady, and returning thence to Philadelphia. In each place the local Chambers of Commerce and commercial and manufacturing organiza-

tions were combined to form reception committees. In addition to the sessions of the congress, which were held in each place, the delegates themselves were given every opportunity of inspecting the industrial and commercial establishments of the place. This congress resulted in a much better understanding on the part of American manufacturers of the conditions of doing business in Latin-American countries, and also led to a very much better opinion in this hemisphere of the character of American manufacturers and the fair intent of their dealings. The congress brought to the manufacturers of the country in the neighborhood of a million dollars' worth of immediate business and most of the connections so formed have since been continued to mutual profit and satisfaction.

The results of this Pan-American Congress were so satisfactory that preparations were immediately made for convening another meeting, which should be universal and to include delegates from every commercial nation in the world. The greatest care was exercised in the issuance of invitations and the selection of delegates. The United States Government, through the State Department, issued to every other nation in the world a formal invitation to appoint government delegates who should visit for themselves and report on the conditions at present obtaining in the United States, and the possibility of entering into reciprocal negotiations which might result in commercial benefit. This was from the first thought to be a necessary step in order not only to assist in counteracting certain fiscal and other regulations which had been made in certain countries against American staples, but to infuse into the fiscal administration of those countries a greater confidence in the provisions of our own government for the inspecting and shipment of such displays. It was also foreseen that the intended reciprocal commercial treaties might be made much easier of fulfillment if delegates from abroad, other than the accredited diplomatic representatives, were to study and report back to their various governments. Formal invitations were, therefore, as has been said, issued by the Department of State, with the result that over forty governments, including all the great nations of the world, accepted the invitation and appointed men of recognized standing to act as their representatives in the congress and to make their official reports, from which deductions will be made.

The selection of the commercial delegates was a matter of even greater importance. Commissioners from the Commercial Museum visited nearly every port in the world, special tours being made through Japan, China, the Philippines, the Straits and East Indies; India, East and South Africa, Mexico, Central and South America, Great Britain and the European Continent. The Chambers of

Commerce were visited and addressed and their support obtained for the proposed congress. The commissioners from the Museum then went over the ground personally and did their utmost to make proper selection of the men best fitted to divert trade to the United States and to secure their acceptance of the invitation to attend the congress. This consent once obtained the invitations were duly transmitted through the different Chambers of Commerce and formal credentials made out in their name.

The work of preparation for the reception of these important delegates was in the meantime being pushed forward to the fullest extent. It was necessary that every visiting merchant should see the greatest possible number of our manufactured products, but the idea of a tour like that arranged for the Pan-American Congress was abandoned as impracticable. It was therefore decided to place the information in the hands of the Delegates; and to acquaint them with our industrial development by means of an exposition in Philadelphia, which should bring together all the manufactured products best fitted for the foreign markets and which should in this way provide during the whole period of their stay in the country a constant opportunity for investigation, and choice of most desirable lines. For holding this exposition there were voted by the city of Philadelphia, the State of Pennsylvania and the United States Government and by private subscriptions, sums aggregating over a million dollars, and by the middle of September, 1899, the exposition was thrown open to the public. Space was provided aggregating nearly a million square feet and this was taken up by about 3,000 different exhibitors representing every important branch of industry in the United States. The exposition was continued until December 2, making a total of sixty-nine open days, with an average attendance exceeded by no other exposition in the United States save only the Centennial and the World's Fair. The result, financially, established a record not before attained in exposition work in the United States, the profits being sufficient to pay off every dollar of the preliminary guarantee fund and to provide a handsome return to the Commercial Museum which carried through the enterprise.

The Commercial Congress was convened on October 12, 1899, a sufficient time having been given for the entire completion of the exposition and the installation of the exhibits, and publicity due to so great an enterprise. The delegates were quartered at the best hotels in the city as guests of the municipality during their stay at the congress. An entire floor of the exposition building was set apart for the use of the congress, comprising a convention hall, with seating capacity for over a thousand, a series of reception rooms, writing

rooms, restaurant and all necessary conveniences. The sessions of the congress were held principally in this convention hall convenient to the exhibits, and social functions of every kind were frequently arranged in order to provide every possible facility for the visiting merchants and the exhibiting manufacturers to meet, exchange views and form business connections. The congress remained in daily session for three weeks, in the course of which there was much valuable and interesting discussion bearing on the trade relations of the United States with every country in the world. An efficient reception committee attended well to the amusement of the visiting delegates, providing for them receptions, smokers, theatre parties, a special trip to Atlantic City, and most important, an excursion to Washington, where the congress was officially welcomed and received in the White House by President McKinley and his cabinet.

The work of the congress was carried on in general sessions and in separate conferences composed of groups of delegates appointed to these sections according to the countries from which they were accredited. In this way minor details connected with the trade between any given countries might be fully discussed in committee and only the essential points referred to the congress at all. The work of the German-American section is deserving of particular mention. The German delegates were of a particularly high character, comprising three of the largest merchants in Berlin, a member of the union for the preparation of commercial treaties, and a number of other business men of high prominence throughout the empire. The deliberations of this section will undoubtedly lead to a more liberal policy on the part of the fiscal officials of both countries,—a consummation greatly to be desired. The work of the Australian section is commended, as well as that of the South American section.

At its final session the interest taken in the deliberations of the congress by organizations in the United States, was most gratifying, special excursions being arranged by several important societies in order that their members might have opportunity of taking part in the discussions and voting on the resolutions. The resolutions themselves, as finally passed by the congress, were of a practical nature, referring to possible means of extending trade between the United States and the rest of the world, and recommending particularly increased facilities of transportation and communication by means of an American Isthmian canal, the extension of parcels post facilities, arrangement of international trade mark and copyright facilities, arrangement of certain international custom house regulations, recommending (with strong endorsement of the British and Russian governments) the appointment of a commission to arrange for a

uniformity in the gathering of commercial and agricultural statistics in all countries of the world, etc. The complete proceedings of the congress, with resolutions passed and all discussions thereon, have been printed and may be obtained, on application, from the Philadelphia Commercial Museum.

The results of the congress are far reaching in their nature and are certain to be long felt in the commercial development of the country. In the way of immediate business a vast amount of orders was secured during the exposition, aggregating between two and three millions of dollars, and the connections formed during that period are certain to result in increasing business as the years go by. The delegates in the congress, as has been said, were men of the highest standing in their respective localities, and the trade which has been, and will be, built up through their visit here can hardly be estimated at the present time. It is but the beginning of a movement which will gather force and importance with each succeeding year.

The educational influence of the congress on manufacturers and merchants in the United States has been, and will be, of great importance. It is a fact that the foreign trade of this country has been largely incidental in its development, but few houses having devoted their efforts solely to that branch of business, with the result that the trade has been too often uncertain, fluctuating and unsatisfactory to all parties concerned. The importance of a steady foreign market as providing an outlet for the surplus product of the country has until within the last year or two been almost entirely unrecognized by the very men and firms to whom it would seem to be of the most vital importance. The conditions of trade obtaining in foreign markets have not been generally appreciated; the methods of doing business are either unknown or unapproved, and as a natural consequence the merchant in other countries too often is obliged to place his orders with English or European exporters, because of the unwillingness or inability of the American competitors to realize his position or to meet him on the same terms which he is accustomed to receiving from those with whom he is now doing business. The effect of a visit on the part of influential merchants from foreign countries, who have themselves been in a position to explain to our manufacturers and shippers the conditions of their business and the necessity of our meeting them at least half way if we expect to secure their trade, is bound to lead to a better mutual understanding and a consequent increase in trade. The converse of this position is equally true. The conditions in this country have not been realized abroad, and the foreign merchant does not realize that the terms offered him by American houses, while apparently more severe, actually mean a quicker delivery and a

cheaper turnover in the long run. This mutual understanding, for understanding it is, and will be so reported in every country in the world, will have its lasting effect in American commercial expansion.

The influence of such congresses on public opinion and legislation is self-evident and no emphasis can be too great on the value of infusing a leaven of knowledge of this sort into the deliberations of our legislative bodies. The time has passed when the United States can be considered as a nation sufficient unto itself and independent of its fellows in either its political or commercial development. It has its place in the world like all the rest, and is, like every other great nation, feeling the effects of its own immense productive capacity in a way which forces it to enter the world's markets as a competitor for business. The results of this tendency have so far been almost uniformly in favor of the American production, and what has been done is but a very slight indication of what may be expected in the future. It remains for the people and for the people's legislators to be impressed continually with the fact that the present economic conditions are not temporary, but are one important phase of an evolution which has been under way for years and which will continue on its course, moulding the policies and activities of the country into forms hardly dreamed of by the nation's founders, and but faintly foreshadowed in contemporary thought. America is to-day the greatest producing nation in the world. Its consuming capacity is relatively greater than any other nation, but does not prevent the increasing necessity of its becoming equally the greatest commercial nation. The International Commercial Congress just held in Philadelphia is but a slight indication of a great national evolution.

WILFRED H. SCHOFF.

Philadelphia

PERSONAL NOTES.

AMERICA.

University of California.—Dr. Kendric Charles Babcock has been appointed Assistant Professor of History and Political Science at the University of California. He was born September 8, 1864, at South Brookfield, N. Y., where he received his early education in the public schools. His college training was at the University of Minnesota, where he gained the degree of B. L., in 1889. After a year as fellow in history in that institution, he became in 1890 Instructor in History and Old English. The latter subject was dropped from his functions in 1893. In the following year he went to Harvard University for graduate study, receiving the degree of A. M., in 1895, and Ph.D., in 1896. In the same year he was appointed Instructor in History and Political Science at the University of California. Dr. Babcock has written:

"*The Scandinavian in the Northwest.*" Forum, September, 1892.

"*The Scandinavian Contingent.*" Atlantic Monthly, May, 1896.

Dr. Thomas Walker Page has been appointed Assistant Professor of History and Economics at the University of California. He was born at Cobham, Va., December 4, 1866, and received his early instruction by tutors. He attended the Randolph-Macon College, and the University of Virginia, where he was recipient of the degrees of A. B., in 1885, and A. M., 1888. Mr. Page has pursued graduate studies at Oxford, Berlin and Leipzig, 1892-94, and received the degree of Ph. D. from the last named in 1896. During his stay abroad he spent much time in research in the Public Record Office of the British Museum. In 1897-98 he was Professor of History and Political Science at the Randolph-Macon College, and in the summer term of 1898, lectured upon Economic History at the University of Chicago.

Hampton Institute.—Mr. Charles Bartlett Dyke has been appointed Professor of Education and Economics in the Hampton Institute. He was born thirty years ago in Ohio, where he received his early education in the public schools. He attended the Leland Stanford Jr. University, where he received the degree of A. B. in 1897. He then became Professor of History at the State Normal School, Mankato, Minn., but took up graduate studies at Columbia University in the fall of 1899, receiving the degree of A. M. in 1899. He has written:

"*The Economic Aspects of Teachers' Salaries.*" Columbia University Series in Philosophy, Psychology and Education, Vol. 7, No. 2.

Ohio Wesleyan University.—Rev. James William Magruder has been appointed to the recently created Chair of Sociology in the Ohio Wesleyan University. Born at Marion, Ohio, in 1864, he was educated in the public schools and the Ohio Wesleyan University. Graduating with the degree of A. B. in 1885, he entered upon theological studies and completed the course of the Drew Theological Seminary at Madison, N. J., in 1887. After pursuing graduate studies in divinity at Cambridge, England, he entered the active work of the ministry. His most important charges were the Wesley Chapel M. E. Church of Cincinnati, 1892–97, and the St. Paul M. E. Church at Springfield, Ohio, 1897–99. A description of his somewhat unique work in the former field is found in the *Methodist Review* under the title: "The Open Church and the Closed Church." Mr. Magruder has contributed a large number of signed articles to the weekly religious press, notably the *Western Christian Advocate*.

Pennsylvania State College.—Mr. Carl Lotus Becker has been appointed Instructor in Political Science and History at the Pennsylvania State College. He was born in Iowa, September 7, 1873, attended Cornell College, Mt. Vernon, Iowa, and the University of Wisconsin, where he gained the degree of B. L. in 1896. He has subsequently pursued graduate study at Wisconsin and at Columbia University, where in the year 1898–99 he held a fellowship in constitutional law. He has published:

"*The Unit Rule in National Nominating Conventions.*" American Historical Review, October, 1899.

Vanderbilt University.—Mr. Gustavus Walker Dyer has been appointed Instructor in Economics and History and Lecturer on Sociology at Vanderbilt University. He was born February 10, 1867, in Henry County, Virginia, attended the Virginia Polytechnic Institute, and the Randolph-Macon College. Here he received the degree of A. B. in 1891. In 1894 he received the degree of A. M. at Vanderbilt University, and he has spent the years of 1896 and 1898–99 in graduate study at the University of Chicago.

University of Wisconsin.—Dr. Thomas Klingenberg Urdahl has been appointed Assistant in Economics and Statistics at the University of Wisconsin. He was born May 22, 1869, at Madison, Wis., where he attended the public schools and the University of Wisconsin. He gained the degree of B. L. in 1891 and M. L. in 1892. In the year 1893 he became Instructor in Latin, German and Mathematics at the Menomonie (Wis.) High School. In 1895 he took up graduate studies

at the University of Pennsylvania, which he continued at the University of Wisconsin, where he received in 1897 the degree of Ph. D. The years 1898-99 he spent in further studies at the University of Berlin, and in historical research in Berlin and Christiania. Dr. Urdahl's publications include:

"*The Fee System in the United States.*" (Vol. xii. Transactions of the Wisconsin Academy of Sciences, Arts and Letters), 1898. Pp. 205.

"*Relation of the Colonial Fee Systems to Political Liberty.*" ANNALS, July, 1898.

"*Progress of Socialism Since 1893.*" (Jointly with Prof. R. T. Ely in the "Chautauquan," 1899. October, et seq.

BOOK DEPARTMENT.

NOTES.

THE MAKING OF HAWAII * by Professor Blackman is an attempt to study the important social problems which have arisen in consequence of the blending of widely different races and of civilized with nature peoples under rather unique conditions in a limited and well defined environment possessing both temperate and tropical climates. It is an essay in culture study and is not in any sense a history of Hawaii. That which will appeal to many as the greatest merit of the book may also, doubtless, be said to be its chief weakness. The author merely arranges a vast amount of interesting material under a few topics which brings out its relation to much discussed and debatable problems in social evolution without pressing his deductions nearly so far as he might have done, nor having apparently any coherent theory or explanation to offer. Thus, in discussing environment, people and political organization, attention is called to the lack of game and of domestic animals. This fact precludes a hunting or pastoral life and makes of the Hawaiians prematurely an agricultural folk, although fishing existed from early times. Again the absence of gentile organization is shown, but no attempt is made to discover the real stages or trace out the economic antecedents of social life in Hawaii. The volume is divided into three parts, treating of the early period prior to the discovery of the islands; second, the middle period from the discovery by Captain Cook in 1778 to the arrival of the American missionaries in 1820, and, thirdly, from 1820 to the present time. In the third period the topics treated are: Religion and morals, constitution and laws, land tenure, education, industries and commerce, movements of population, decay of native population, and the white man in the tropics. The last chapter recalls Professor Blackman's discussion of the same subject in the *Independent* in which he challenges Mr. Kidd's position in his "Control of the Tropics" and asserts with considerable evidence in support of his statements that the final results of the efforts of the white man to colonize tropical regions are likely to be successful.

* *The Making of Hawaii*: A study in social evolution. By WILLIAM FREMONT BLACKMAN, Professor in Yale University. Pp. xli, x66. Price, \$2.00. New York: The Macmillan Company.

THE ANNUAL REPORT of the United States Commissioner of Navigation,* Mr. Eugene Tyler Chamberlain, is, like his previous reports, an admirable document. It is devoted mainly to the presentation of a brief in favor of granting subsidies to American merchant vessels. The argument is ably and fully presented and will be convincing to many persons who have been in doubt as to the wisdom of government subsidies for the purpose of promoting the growth of our merchant marine.

The considerations urged in favor of government aid to our maritime interests are grouped as follows:

"These reasons fall into two classes—political and commercial. Under the first class are those reasons which are based: First, on the relations to the navy of the merchant marine as an element in the national defence; second, on the relations of a merchant marine to insular territory; and, third, on the relations of a merchant marine to new markets, as those of Asia and, to a less extent, Africa and South America. Commercial reasons are found, fourth, in the necessities of ocean mail communication; fifth, the relations of a national merchant marine to national imports and exports; sixth, the value of the carrying trade; and, seventh, the promotion of ship building and contributory industries."

It is urged that other nations are now giving their merchant marine as much aid as would be given ours by the enactment of the Subsidy Bill at present before Congress,—Senate Bill 5590. It is admitted by the commissioner that the reasons prompting the various nations of the world in their support of their merchant marine vary widely, but that the amount of aid given by them is fully as much as would be granted by the United States were it to enact into a law the bill now before Congress. This line of reasoning seems rational and conclusive. Attached to the report are appendices containing a mine of valuable information. Especial attention should be called to the Appendix E, giving in detail the amount of aid to shipping now being granted by each of the different countries of the world. Appendix I gives the foreign tonnage tax laws and rates, and in Appendix P are contained, among other things, a list of steamships under foreign flags owned by American capital, and a list of the world's fast steamships, tables of distances between the leading ports of the world and extensive extracts from the admirable address of Sir Robert Giffen, on the value of the ocean carrying trade considered as an industry. The last one hundred pages of the volume contain the usual statistical tables that are found in the annual reports of the commissioner.

**Annual Report of the Commissioner of Navigation for the Fiscal Year ended June 30, 1899.* By EUGENE TYLER CHAMBERLAIN. Part I, pp. 405. Washington: Government Printing Office, 1899.

THE "LOCAL GOVERNMENT ACT FOR IRELAND"* is an excellent handbook, giving a thorough description of the system of local government established by the law of 1898. It is said that the increased powers conferred upon the counties and other local bodies instead of allaying the discontent of the voters or of satisfying the Home Rule agitators, has on the contrary only served to strengthen the influence of the national party throughout Ireland.

THERE IS A constant demand from the high schools for one small book which shall contain the whole history of the world. Professor Colby, of New York University, has written the latest volume to supply this demand.† His book seems to us more successful on the whole than any previous attempt. The arrangement is good, the style clear, and the subjects well chosen. There do not seem to be more misleading statements than are usual in books of this kind. On the other hand some of the illustrations are positively bad, because they are wholly fanciful. The picture of the crusaders on p. 270 is typical of a propensity to use anything available without regard to its historical fidelity.

MISS NELLIE NELSON, of Philadelphia, has produced an unusually valuable contribution to economic history as her doctor's thesis at Bryn Mawr.‡ Two years ago she published an article in the "American Historical Review" on the "Boon-works of Ramsey Abbey." She has now, by a fuller study of the printed and the manuscript sources, given a minute and enlightening account of the whole round of rural economic conditions in that group of some sixty manors in central England during the twelfth, thirteenth and fourteenth centuries. The three chapters devoted respectively to a general description of Ramsey and its landed estates, to a comparison of the conditions on the various manors, and to a minute examination of the administration of the typical manor of Wystowe, are perhaps of equal value, though the first two are naturally more interesting. The thesis itself is followed by over a hundred pages of documents not previously printed, consisting for the most part of bailiffs' account rolls of the manor of Wystowe, chosen as a typical manorial estate, and found in the British Museum and the Public Record Office.

* With Commentaries by John J. Clancy, M. P. Pp. viii, 464. Price, 10s. 6d. Dublin: Sealey, Byers & Walker, 1899.

† *Outlines of General History*. By FRANK MOORE COLBY. Pp. 610. Price, \$1.50. New York: American Book Co., 1899.

‡ *Economic Conditions on the Manors of Ramsey Abbey*. By NELLIE NELSON, A. M. Pp. 85, 124.

It is just such careful, detailed work as this that is needed to make history an accurate picture of the life of the past. To get right down to the normal every-day conditions of life, so far as they were recorded in documentary form,—and such life was much more minutely recorded in those times than it is being in our own,—to reproduce, to analyze, to interpret those documents, will gradually reconstruct history of a truly scientific kind in one of its most important aspects and during one of the most interesting periods.

PROFESSOR PETERMAN'S "ELEMENTS OF CIVIL GOVERNMENT" is* one of the best-planned works of its kind which have been published in recent years. The book is intended for public school use. The difficulties in the way of a successful book on civics for students of this grade are so great that they have never been completely overcome. The study of government is one which requires considerable maturity; the first requirement of a text-book for scholars in the earlier grades is therefore naturalness and simplicity. Government, unfortunately, is not simple and it is quite often unnatural. In a federal union this difficulty is magnified, and hence arises the weakness of all our American school books on this subject. The author has endeavored to avoid this obstacle by beginning with the family as a basis, passing from the family to the school district, the township, the county, the state, and finally the federal union. The plan is admirable, far better in fact than its execution. A supplement varying with each state is devoted to the peculiar features of the local and state institutions. Suggestive questions and subjects for debate are given at the close of each chapter. There are also two good chapters dealing with Elections and Party Machinery. If government as an elementary study is not to be taught in immediate connection with history, then the use of some such work as that before us is to be recommended.

THE UNITED STATES and England have more than a passing interest in Japan, and *Japan in Transition*† is a readable and entertaining volume, as well as a valuable addition to our knowledge of that rapidly changing nation. The book is an attempt to analyze impartially the conditions in Japan which have resulted from thirty years of "modernizing," and have been intensified by the successful Chinese war. The principal emphasis is given to social and political conditions, although there are sufficient industrial touches to give the picture a proportional background.

* Pp. 263. Price, 60 cents. American Book Company, 1899.

† *Japan in Transition*. By STAFFORD RANSOME. Pp. 261. Price, \$3.00. Harper & Brothers, 1899.

The individuality of the Japanese race is shown to have caused many misunderstandings among western observers. The difficulty of understanding the Japanese is increased by his thirst for knowledge and by his good-natured desire to give no offence by expressing disapproval. Western critics are prone to call the Japanese an immoral race, but the latter have standards of their own which Mr. Ransome thinks they realize as nearly as do the Europeans or Americans their differing standards. Their eagerness for knowledge of all sorts will lead them to missionary schools, where they are willing to be called Christians if the teacher will be any happier thereby, and they will not openly antagonize the idea, although the author thinks there is not one genuine, devout Christian to 100,000 of the population.

They adopt our customs, but give them a Japanese characteristic; they dramatize our works, but with a strong Japanese flavor. They master every branch of science, but regard our ways as evil, and the westernizing of their country as an evil—a necessary one, however, if they are to continue independent. They realize that they must fight fire with fire, accordingly they buy ironclads and reorganize armies after the European patterns.

Their new Parliament, which stands on the ruins of feudalism but thirty years gone, is inextricably split up on domestic matters, but it showed the Chinese a wonderful unanimity in voting war supplies. All Japanese agree in hating Russia and hoping and planning and arming for the day when Japan shall be the England of the East and dominate the Asiatic shore of the Pacific. In the meantime she regards the Anglo-Saxon nations as her friends and natural allies because of the similarity of interests; but "Japan for the Japanese" has already become a popular shibboleth. The process of dismissing their foreign advisers has also begun in some cases, the people feeling that it would be better to bear with the mistakes of Japanese officials. The book is accompanied by specially prepared maps and is well illustrated.

DURING THE PAST TWO YEARS important contributions have been made toward a comprehensive history of one of the most unique third party movements in the United States, that of the Know Nothing party. The latest of these contributions is the *History of the Party in Maryland*.* This State offered an especially interesting field for such a study, as it alone of all the original states contained a considerable native American element attached to the Catholic Church, against

* *History of the Know Nothing Party in Maryland*. By LAURENCE FREDERICK SCHMECKEELER. Johns Hopkins University Studies in History and Political Science, Series xvii, Nos 4-5. Pp. 125. Price 75 cents. Baltimore, 1899.

which this movement was so largely directed. The monograph presents a valuable study of the chief phenomena of the movement, based upon a careful examination of contemporary literature, and the testimony of "survivors" of the period. The particular local causes for the movement, the attempt of the Catholic Church to obtain a partition of the school fund, and the large influx of German immigrants and their "radical demands," are clearly shown. The picture of the disorder and violence attendant upon the elections of the period, which were not confined to Maryland, nor peculiar to the adherents of the Know Nothing Party, affords a striking contrast to the methods of to-day. The original purpose of the party was soon so far lost sight of, that the Know Nothing legislature, at the height of its power, failed to pass any anti-foreign or anti-Catholic measures. With the collapse of the national aspirations of the party in 1856, the local party, after carrying one more State election, moved rapidly to its downfall, owing to its internal divisions, the violence of its methods, the loss of definite principles,—save desire for office,—and the absorption of its membership by the new Constitutional Union Party in the election of 1860. Poor proof-reading and a few inelegant expressions mar the otherwise scholarly character of the work.

PROFESSOR WALLACE'S Constitutional History of South Carolina from 1725 to 1775 forms the first part of a history of that State from 1725 to 1810.* The volume deals with the constitution of the colony under the Royal Government; with the Stamp Act; the relations of the Commons and Council; the appropriation of the public money; and the attempt of the Commons to abolish the legislative character of the Council. It therefore will be seen that the author has merely blazed his path; the constructive work is yet to be done. But while the value of the finished work as a history is yet *in nubibus*, the faults of that portion already in print are but too apparent. Lack of continuity is noticeable throughout; and the author's style frequently lapses into the colloquial and sometimes becomes even frivolous, as when, for example, he steps from behind the impersonal page and addresses us, directly with "Forget all else, but remember this;" or, as on page 75, he speaks of the Governor loading his gubernatorial cannon with a bombshell of prorogation and blowing the "Assembly into the *middle of week after next*."

Mr. Wallace has undertaken a task, the successful accomplishment of which will be welcomed by all who are interested in South Caro-

* *Constitutional History of South Carolina from 1725 to 1775*. By D. D. WALLACE. A. M., Ph. D. Pp. xii, 93. Abbeville, S. C.: Hugh Wilson, 1899.

lina, and in the constitutional history of our states generally; he has brought to bear on the task an evident love of his subject, and commendable industry in his search for facts. It is hoped that the finished work will be free from the faults noticed in the part so far published.*

MR. WARNER makes a good attempt at a continuous narrative of English industrial history, notwithstanding the deprecation of that ideal involved in his title.† He really discusses almost all the significant conditions and movements in the economic, and, in the narrower sense, in the social history of England, from the Roman Conquest to the Factory Laws. His indebtedness to the two works to which he refers in his preface is quite evident, though perhaps not more so than all later writers must be to those who are pioneers in their subject. The chief excellency in his book, in addition to the point already spoken of, is its clear, moderate, rational descriptions and comments. The chief adverse criticism to be made is its too careless attribution of facts which we only know to be true of one period to the conditions of another. Instances of this are to be found in the use of documents belonging to the thirteenth century for the description of England in the time of Domesday, and in a general antedating of gild organization and changes. The treatment becomes better and better as it comes downward in date, and a continuous reading can be heartily recommended not only to one who may wish to see clearly the "landmarks" of England's industrial development, but still more to the one who needs to have his reading in more familiar and favored aspects of history corrected and broadened by a knowledge of the more fundamental facts of social life in each successive period.

REVIEWS.

The Evolution of the English House. By SIDNEY O. ADDY, M. A. Pp. 223. Price, \$1.50. New York: Macmillan Company, 1899.

This work, which is one of the "Social England Series," throws additional light upon the "economic interpretation of history." The plan of the series is clearly given in the editorial preface, which shows how insufficient for scientific purposes are the data obtained by the study of biography or acts of parliament, if the forces of social environment are omitted.

Social questions are foremost in public thought to-day, and the answers to these questions must be sought, not in the lives of indi-

* Contributed by Professor W. E. Mikell, University of Pennsylvania.

† *Landmarks in English Industrial History.* By GEORGE TOWNSEND WARNER, A. M. Pp. 386. Price 6s. London: Blackie & Son, 1899.

viduals, but in the life of society. The Social England Series, therefore, invokes the aid of religion, commerce, art, literature, law, science and agriculture to the interpretation of history, and does not merely rely upon the records of politics and wars.

In the evolution of the English House the author gives a detailed description of the development of English architecture from the cave dwellings of antiquity to the cathedral, illustrated by numerous photographs and diagrams. The earliest forms of British houses were round, conical in shape, built of wattled wood, or basket work, the hearth was central, a hole in the roof being the only exit for the smoke. The rectangular house was not evolved from the round house, but from the temporary booth or tent which shepherds often constructed as summer residences while tending their flocks. These were built by bending two pairs of trees into basket-shaped arches, resembling those of a Gothic church, united at their apexes by a ridge tree, the frame work being covered with whatever material was available. The "bay" was the architectural unit, its normal length of sixteen feet being determined by the standing room required by the "long yoke" of oxen.

In an equally interesting manner the author traces the development of the combined dwelling-house and cattle-stall, showing the modifications in architecture necessitated by man's better economic environment; the introduction of chimneys, windows, decorations, etc., followed as a result of this environment.

The influence of Roman architecture in the development of the "town house" is clearly shown. The manor house, the castle and watch tower, and the Church or Lord's House were the outgrowth of the feudal system of the middle ages. A detailed account of the functions, as well as of the architecture of these buildings, is given in chapters viii, ix and x. Thus we are led to see that our common architectural forms were not derived from arbitrary designs, but from the simple hut, whose roof was held up by a pair of wooden "forks."

The copious foot-notes and long list of books cited attest the careful research of the author. He concludes as follows:

"The progress of man in the arts can be measured by the difference between the cave dwelling and the cathedral. The first links of the long chain of evolution, which extends between the lowest and the highest forms of human dwellings, were forged by the men who tilled the land and watched the flocks. It was they who fashioned and maintained the shapes which for so many ages prevailed in the cottage and the palace."

F. E. HORACK.

Philadelphia.

A History of Greece for High Schools and Academies. By G. W. BOTSFORD, Ph. D. Pp. xiii, 381. Price, \$1.10. New York: Macmillan Company, 1899.

To write an adequate Greek history for schools is not easy: the successes have been few. The reason is perhaps not far to seek. There was no Greek nation in the modern sense, or even in the sense in which we speak of the Roman nation. It was a number of political units, each, to a superficial glance, going largely its own way. Such confederacies as were formed never became welded together into a substantial political unity, either under the influence of a common purpose, or under pressure of a dominant member. Even as a geographical designation the name Greece is to the modern mind misleading: wherever a Greek colony planted its feet, that was to the ancient mind a part of Hellas, and remained so as long as the colony maintained itself. And all the vicissitudes through which these sometimes remote and comparatively insignificant towns passed, belonged properly to the history of the people. It is true that the interest centres in Athens and Sparta as the heads of rival confederacies and the representatives of opposing political principles; but the Peloponnesian war and the complications that followed its conclusion, with the mass of their petty battles and often resultless victories, are apt to seem but a hurly burly, resulting in nothing better than a condition of general exhaustion.

And yet there is a history of the Greek people which is worth the telling. There was a Greek civilization, whatever variety we may seem to find in the individual expressions of it; and the Greeks were perfectly conscious of this themselves. The sharp line they drew between Greek and non-Greek is proof sufficient of this.

It is this history of the Greek people that Dr. Botsford has attempted to set forth in his book. In the introduction, styled the "Mission of the Book" stands this sentence: "It is far more profitable to learn the character and achievements of the great men, whatever their field of activity, to follow the development of the social and political life, and to enter into the spirit of civilization;" more important, that is, than to learn all the details of their battles, sieges and political rivalries. The ideal is a high one and Dr. Botsford has spared no pains to realize it. He has everywhere given a foremost place to the social, political, literary and artistic sides of Greek civilization, and set them forth in adequate detail; while in the manifold wars amongst themselves and with the common foe he has been careful to give just enough to make the course of events clear and to put the causes and meaning of the conflicts in a proper light. But it is not so much in the selection of particulars as in the manner of the narration itself

that his chief merit lies. He has told his tale in a straightforward, simple style that must prove taking to the mind of the schoolboy; and he has from time to time worked in translations from passages of the ancient Greek authors, poets, historians and orators alike. This gives one the feeling that we are listening to the Greeks telling their own story; we get the events and conditions from their point of view and can appreciate them so much more accurately. My own experience convinces me that nothing so well interprets to a class the facts of Greek history as the Greeks' own description of them, or reflections upon them.

Further, and as a result indeed of this, the book is not only clear; the boy can not only read it without an uncomfortable sense that he is losing his way in a labyrinth, but he can read it with positive pleasure. It is a book too that will keep, and that one would like to keep; a great quality this in a schoolbook.

There are numerous excellent illustrations, maps, views and reproductions of works of Greek art, with bibliographies appended to each chapter. Some features in the book might be questioned. Advanced views regarding the Homeric question, the Dorian invasion, the personality of Lycurgus seem like the strong meat that is better adapted to older minds; but these are questions of judgment that do not seriously affect the book. In the interest of the pupils it is to be hoped that many schools will use this history of Greece.

WILLIAM A. LAMBERTON.

University of Pennsylvania.

The Philadelphia Negro: A Social Study. By W. E. BURGHARDT DU BOIS, Ph. D. Pp. xx, 423. Price, paper, \$2.00; cloth, \$2.50. Philadelphia: Publications of the University of Pennsylvania, 1899.

Sociology demands of its students a thorough and critical examination of facts. Our various "Negro problems" have given rise to a mass of loose writing, which has been lamentably lacking in such research, and which has proceeded largely on conjecture and personal bias, figures being quoted to prove a given theory rather than as a basis of induction. Dr. Du Bois' study is exceptional and scholarly, and seems to realize his ideal of seeking the truth in the "heart quality of fairness." It presents the results of a fifteen months' inquiry during 1896 and 1897 into the condition of the forty thousand or more Negroes in Philadelphia. This inquiry was conducted under the auspices of the University of Pennsylvania, at the instigation of Miss Susan P. Wharton and Dr. Charles C. Harrison, and under the direct advice of Professor S. M. Lindsay. The study is based largely on the results

of systematic field-work and of a house-to-house canvass in the Seventh Ward, where a large portion of Philadelphia Negroes of every grade of life are massed, and on a general survey of the other wards along similar lines for purposes of comparison and completeness. The censuses and other official statistics and reliable historical material were freely and accurately used.

The book is well indexed and logically arranged, and is naturally divided into the following four parts: (1) The history of the Negroes in Philadelphia; (2) their individual condition, embracing their number, age, sex, conjugal condition, birthplace, education, occupations and health; (3) their group condition, touching the family and their property, organizations, criminals and paupers; and (4) their physical and social environment,—with a chapter added on Negro Suffrage and a final word as to practical social reform. A chapter is devoted to each of these distinct topics, presenting them first in the light of the house-to-house investigation in the Seventh Ward and then taking up the conditions in the whole city. The schedules used in the house-to-house canvass are appended, together with a summary of Pennsylvania legislation in regard to the Negro, and a bibliography. Parenthetically, it is to be hoped that Dr. Du Bois will take to himself his suggestion in the *ANNALS* of January, 1898, and find time to supply our great need for a complete bibliography of the American Negro. All pertinent figure-tables are freely and fully quoted with statements of their sources, probable errors and general credibility, and their value and force are greatly increased by frequent diagrams of the results. Dr. Du Bois has felt and noted keenly the obvious incompleteness of many of his figures; often the sources were untrustworthy, and at other times the results were based on such limited inquiry or material for investigation that they are of local value alone. But though the point of view is often tentative, the language is never vague, and the writer makes his position even on the difficult subjects of race-contact and Negro suffrage clear and positive.

The purpose of the inquiry is stated to be to aid local reform work by supplying a body of information which may be a safe basis for comprehensive knowledge of existing conditions. But its value is national. It is a critical, discriminating statement of the conditions and results of Negro life in a large, northern, seaboard city a little more than thirty years after the Civil War. Moreover, it is in the design of the writer merely fragmentary, his large plan embracing similar future inquiries in other cities, as Boston in the East, Chicago and perhaps Kansas City in the West, and Atlanta, New Orleans and Galveston in the South and in similarly selected country districts,

which will "constitute a fair basis of induction as to the present condition of the American Negro." It might be of additional value to investigate the conditions peculiar to some border state and border city, as Richmond or Louisville. Let us earnestly hope that neither the lack of funds nor of University interest will hamper the fulfillment of the scheme. If this larger scheme can be carried out in detail under the active supervision of trained sociologists, the results, though not so complete, will be often more to the point and more reliable than those obtained from figures in which the personal equation is a largely varying quantity and which are collected by untrained census employes. Moreover, the air will be cleared throughout the country, as it has been in Philadelphia, for some definite statements about problems on which most intelligent people to-day, North and South, have positive convictions based only on limited observation, on whim, or on faith.

The consideration of this larger idea suggests the evident limitations of the present study; we still lack, for instance, a trustworthy statement of the comparative industrial discrimination in northern and southern cities. But Dr. Du Bois makes throughout the book two sane suggestions as to this pivotal difficulty of industrial discrimination in Philadelphia,—first, the white people should "recognize the existence of the better class of Negroes" and not class all Negroes together; second, the better class of Negroes must help and co-operate with the lower, there must be a leadership in the spirit of service instead of the present tendency to segregation for self-protection. "The first duty of an upper class is to serve the lowest classes," and, as Professor Lindsay says in the introduction: "In the last analysis the rise of the Negro is apt to be in proportion to the ability of the upper classes of his race to infuse the lower strata of Negro society with the intellectual and moral requisites of economic survival which they themselves possess."

The temporary usefulness of the work to the Philadelphia philanthropist is assured, and its permanent national value to the scholar and the statesman is predicted.

To Dr. Du Bois' study is appended a special report on "Negro Domestic Service in the Seventh Ward, Philadelphia," by Isabel Eaton, A. M., based on an eight months' investigation during 1896-1897, including a house-to-house visitation. It is a contribution more especially to the general domestic service problem; though many of Miss Eaton's tables of collected figures are valuable as continuations and elaborations of Dr. Du Bois' work.

PERCY N. BOOTH.

Louisville, Ky.

Zur Frage der Lohnermittlung. Eine methodologisch-kritische Untersuchung. By FRANZ EULENBERG. Pp. vi, 150. Price, 3 marks. Jena: Gustav Fischer, 1899.

Ueber Einige Bestimmungsgründe des Arbeitslohnes. By JOHN C. LEMBKE. Pp. vi, 128. Price, 2.50 marks. Jena: Gustav Fischer, 1899.

In the first essay Dr. Eulenberg, who is docent at the University of Leipzig, has made a critical study of the methods of collecting wage statistics. While largely theoretical and technical, it yet has a specific purpose, for the author points out the defects and needs of existing statistical offices and advocates the establishment of a more centralized system for Germany. The author does not seek to establish a theory of distribution, but to determine the best method of ascertaining concrete wages, that is, what the members of the wage-earning class receive per day or week or year. While it is desirable to know the actual earnings of the laboring class, this is often impossible of direct determination, and the rate of wages for a typical week may then be taken. The further much-mooted question as to whether real or nominal wages should be the object of wage statistical studies, Dr. Eulenberg answers in favor of the latter; such considerations as the size of family, the ownership of the dwelling, the character of the expenditures, etc., do not belong in the province of wage statistics. They are necessary for determining the economic condition of the laboring class, as is also the purchasing power of money, but they belong to social statistics or even general economics. We are here concerned only with the amount of wages.

In all these problems Dr. Eulenberg considers first of all the question of method. "Method is the way which leads to a desired goal." With reference to this point, two important and radically different modes of determining wages may be distinguished: the *monographische* and the *kollektive* methods. The monograph deals with the wages of a single industry, whether of a single establishment, or a local industry, or of a single industry scattered over a considerable territory. The collective inquiry investigates the wages of several industries at the same time, and may confine itself to a single community, or take in a wider territory, even a whole country. While the former method yields more detailed and intimate results than any of the others, it is strictly limited in its application to a small area, and permits of no wide generalizations. The most successful attempt to include a whole industry within a country in a single inquiry is the English Labor Census, which, by its relatively simple and carefully prepared schedules, has been enabled to secure trustworthy and fairly complete results.

The collective method offers a somewhat different set of problems. Here the object is to obtain the wage conditions of several industries or of a whole community at the same time; to ascertain how the wages of the various industries are related to one another and what the condition of the entire laboring class is at a particular moment. Under this group may be comprised the wage statistics of a single city, as those of Mannheim (by Wörishoffer), of Altona and of Berlin; somewhat wider investigations, such as that made in Switzerland in 1893, taking in eight cantons, and, finally, national wage statistics. As examples of the last are cited the American census of 1880, the Belgian *enquête* of 1891, and the English reports on "changes in wages." Dr. Eulenberg finds little good to say of the United States census, and indeed there is little to be said in answer to most of his criticisms. His strictures lose some of their force, however, from his apparently limited knowledge of wage statistical investigations in this country, for he remarks that "the eleventh census gave up the attempt to gather wage statistics," and nowhere mentions the Aldrich report; of the Massachusetts reports only those of 1896 and 1897 are mentioned. Nor does the author anywhere mention such studies as those of Mr. Giffen and A. L. Bowley in England. But such criticism is perhaps unfair, for Dr. Eulenberg does not lay claim to having covered the whole field; at most he selects typical illustrations of different methods, and in criticising these he is often acute, though largely negative in his results. In the conclusion he admits the usefulness of each method in its place, so that instead of following any one plan to the exclusion of others we should have a "system of investigations," by which alone we can arrive at the whole truth.

Although it is nowhere so stated, the essay by Mr. Lembke, who is a native of Sweden, is evidently a doctor's dissertation. It may be divided into two parts, of which the first consists of a critical review of some of the newer wage theories, while in the latter the writer develops his own views. In the historical part Mr. Lembke has very flatteringly confined his attention to recent American writers; he evidently possessed a complete file of the *Quarterly Journal of Economics*, for outside of the theories advanced in its pages by various writers in the last ten years, Marshall, Taussig and Walker are the only books quoted at any length. In his constructive work the author shows himself a thorough disciple of the Austrian school and follows Böhm-Bawerk and von Wieser closely. It is a commonplace to say that, to-day, problems of distribution occupy the central position in economic theory, and of these problems that of wages has probably received greater attention in the United States than anywhere else. The writer has therefore chosen wisely in presenting these theories to

a German audience, for between the American theories and those of German authors there is in many respects a striking similarity. The extension of the law of rent to the domain of wages, which is characteristic of the newer American theories, finds an earlier exposition in the writings of Mangoldt, Schäffle, etc.; Clark's conception of a fund of abstract labor has its counterpart in Marx, while Wood's principle of substitution of labor and capital and Carver's more eclectic theory are ideas not foreign to German thought. Mr. Lembke has presented these theories clearly, intelligently and critically.

In the positive part of the essay the attempt is made to show the determinant factors which fix wages on the side of supply and on that of demand. Here the author distinguishes sharply between labor for personal services and labor for productive services. In the first case the *subjektive auffassung* of the employer is the chief determining factor; in the second it is the objective exchangeable value of the products in which the labor has materialized itself. As will be seen, Mr. Lembke has followed the classification of Böhm-Bawerk, from whom he quotes approvingly and frequently. In the discussion of servants' wages he is interesting, in the other cases he says little that is new. The essay must be commended, on the whole, as a careful, discriminating piece of work.

ERNEST L. BOGART.

Indiana University.

Natural Law and Legal Practice. Lectures delivered at the Law School of Georgetown University. By RENÉ I. HOLAIND, S. J., Professor of Ethics and Sociology, Woodstock College; Lecturer on Natural and Canon Law, Georgetown University. 8vo. pp. 344. Price, \$1.75. New York: Benziger Brothers, 1899.

This work at least attempts to fill a long felt want. The division of the sciences has gone so far that we are likely to lose sight of their connections. Law, of course, began with the declaration of a ruler's will, but it was not long in recognizing its sanctions in the moral ideas of the subject, and wherever any concession or respect is given to these we are bound to find an intimate relation between private ethics and public law. It is to the exposition of this relation that the present work is devoted. The book is a combination of ethics and the maxims of law. It is arranged in the form and with the purpose of a text-book, and will serve very well as a system of topics for a discussion of ethical problems.

But the strength of the book for the lecturer is its weakness for the student. There are too many general problems raised for the real issue involved. This would not be the case were they more fully

treated. It is too much to point out all the scholastic issues of philosophy and leave them here with nothing but a dogmatic basis upon which the student is to rely. If he is of an inquiring turn of mind and feels that so many things have to be solved prior to the recognition of legitimacy in some very simple maxims, he will find that he cannot solve the problem which conditions his progress. This is not a condemnation of the work, but a statement of its justifiable limitations. Many interesting side lights are thrown upon sociological facts and upon phenomena which the moralist often does not know or does not consider in his theories. Teacher and student alike may find this part of the book very stimulating.

The appendix, presenting rules for regulating the practice of a lawyer and drawn by a man of great reputation who prefers to withhold his name, is practically useless. The rules are very truistic, but are too general in character to influence a man without a conscience. With this equipment a man needs no such rules, but without it he requires something more specific than the vague advice to be honest and just. Of course it is difficult to draw up rules for such a situation, but if drawn at all they ought to meet the demand more definitely than the simple admonition to be good.

JAMES H. HYSLOP.

Columbia University, New York.

Select Charters and Other Documents Illustrative of American History, 1606-1775. Edited, with Notes, by WILLIAM MACDONALD, Professor of History and Political Science in Bowdoin College. Pp. ix, 401. Price, \$2.00. New York and London: The Macmillan Company, 1899.

In compiling and editing this work Professor MacDonald has added a companion volume to his collection of "Select Documents Illustrative of the History of the United States, 1776-1860," published over a year since, thus having brought together in two handy volumes the more important documents relating to the constitutional history of the colonial and federal governments.

In plan and execution the new volume is similar to the earlier one, and is characterized by the same accurate and scholarly work, both in the clear and helpful introduction and select bibliography which precede each document, as well as in the judicious selection and editing of the text. Within the limits of four hundred pages the editor has collected the significant portions of some eighty of the most important documents of the colonial period. Of these over one-half fall within the seventeenth century, six documents within the so-called "neglected period," the first half of the eighteenth century, and the

remaining twenty-nine within the score of years immediately preceding the Revolution. An analysis of the character of these documents shows that nearly one-third of the selections consist of charters, patents or grants conferred by the English Government or other authorized power upon the various original colonies; another third is devoted to the frames of government or important statutes drawn by the colonists themselves, concessions and charters granted to the colonists by proprietors or chartered companies, and the treaties and the navigation acts passed prior to 1750, in which America was directly concerned; the remaining third comprises the important acts of Parliament and proclamations of the king, as well as the chief state papers of the colonists of the pre-revolutionary period.

Although much that is contained within the volume was already accessible in print, either in Poore's "Charters and Constitutions," Preston's "Documents," or in one or more of the various leaflet series of reprints of original documents, this work will commend itself to all as being more comprehensive and convenient than any of the above mentioned collections. In addition, the editor has rendered an important service in making generally accessible several important documents of the period immediately preceding the Revolution, which hitherto have been available only to the few. We miss, however, from this series of pre-revolutionary state papers Patrick Henry's celebrated resolutions, passed by the Virginia House of Burgesses in 1765, the "Address to the People of Great Britain," by Congress in 1774, and the "Suffolk County Resolves," presented to Congress in the same year.

If any just criticism can be lodged against the editor it would fall under the head of omissions. We especially regret that Professor MacDonald did not see fit to give a larger number of selections from the more than two score statutes of Parliament, passed prior to 1770, and dealing directly with colonial affairs; some of these laws would have given a better idea of the extent of English legislation for American internal affairs. Such, for example, were the acts for the encouragement of the production of naval stores, the acts restricting or prohibiting the production or manufacture of various commodities, as wool and woolens (1699, 1739), hats (1732), iron and steel (1719, 1750); statutes regulating the value of foreign coin (1708), or limiting or prohibiting the issue of paper money (1740, 1750, 1760, 1763), and acts for the regulating of apprenticeship (1763) and naturalization (1739, 1756, 1761).

Likewise there might very properly have been included the commissions or orders in council, creating the various offices for directing colonial affairs from the mother country, especially that establishing

the most important and permanent of these, the Board of Trade and Plantations. While perhaps not strictly within the plan of the work, the introduction of a typical commission and instructions of a royal governor, in an abridged form if necessary, would have enhanced the value of the collection, and would not have been inappropriate inasmuch as these documents almost took the place of a charter in the royal colonies.

HERMAN V. AMES.

University of Pennsylvania.

Statistics and Economics. By RICHMOND MAYO-SMITH. Pp. 467. Price, \$3.00. New York: Macmillan Company, 1899.

Professor Mayo-Smith's "Statistics and Economics" is linked to his previous volume on "Statistics and Sociology" by the common title "Science of Statistics." The two volumes give a comprehensive survey of statistical results in the departments of human knowledge in which the statistical method has borne its ripest fruits.

The function of the present work is to exhibit statistics in the service of economics. The author reviews successively the chief lines of economic research with a view to discovering how far statistics can elucidate the questions which they raise. Each chapter opens with a succinct statement of the aims of economic theory, designed to show what points can be verified or investigated by the statistical method and what aspects of the subject are beyond its reach. This is followed in each chapter by a summary of the results of statistical investigation, a critical appreciation of the difficulties which beset the method, and an estimate of the value of the results for the purposes of economic reasoning. On this plan the author reviews the familiar economic categories of consumption, production, exchange and distribution with a number of sub-headings which fairly exhaust the phases of economic life which can be brought within the ken of statistics. Further description of the contents of the work is unnecessary. Every student of economics must take cognizance of it, as it supplies an authoritative statement of the relations of statistics and economics which will be indispensable for all who have not been specially trained in statistical research. It is moreover a work of reference to which one may turn with full assurance that the essential facts will be given. Copious references and carefully prepared bibliographies make it a useful starting point for those who seek more detailed information on special topics than the limits of the book permit in the text.

With the purpose and spirit of the work the reviewer finds himself in perfect accord. Professor Mayo-Smith has handled the delicate relations of statistics and economics with great discrimination, and

has avoided with rare self-denial any tendency to unduly magnify the function of statistics in economic reasoning. In this respect I feel the volume to be distinctly superior to its predecessor. In a review of the former volume I took occasion to point out that the limits of statistics and sociology were but vaguely defined. That work was primarily the labor of a statistician, but in the present volume we have the production of one who is at the same time an economist and a statistician and is keenly conscious of the mutual relations of the two fields of work. In the former volume it seemed to me that undue prominence had been given to foreign material and that American data had been neglected. But in the field of economic statistics the American material is extremely rich and its frequent citation gives this volume an interest for the American reader which the former volume lacked.

The author of so comprehensive a work is always exposed to the criticism of not maintaining due proportions between the several parts. Different readers will wish for a more extended treatment of certain chapters, and be content with less detail in other parts. In touching upon this aspect of the work one may well be apprehensive that he voices an individual rather than a general opinion. Yet, assuming this risk I am disposed to point out the chapters on Money and Credit, and Transportation and Commerce as being less satisfactory than other parts of the work. The importance of the subject would, in my judgment, have justified a fuller treatment of these topics.

The "Science of Statistics" has found an admirable exponent in Professor Mayo-Smith, and he has laid American scholarship under a debt of gratitude by his excellent labors. The completion of his work tempts me to a comparison of its two parts. I have perhaps indicated a preference on my own part for the second volume, and am disposed to believe that this will be the judgment of statisticians generally. Both display the keen critical judgment of the worth of statistical results and the limitations of the statistical method, which distinguishes the expert from the indiscriminating public. But in the second volume this critical attitude is not fettered by any constructive purpose and finds freer expression. On the other hand, I am inclined to think that the general judgment will especially commend the first volume. It deals with topics on which the general reader is less well informed, and he gains in the book access to a coherent body of information which is new and interesting. He turns from the second volume with a feeling of disappointment and asks himself, "Is this then all the light that statistics can throw upon economics?" He has been wont to believe that in the hands of a master it had complete answers for many of the vexa-

tious questions of economic life. When he finds that in many instances the answer of statistics is negative he cannot conceal his disappointment. A reader who yearns for positive results finds cold comfort in destructive criticism, however keen and conclusive. This, of course, lies in the nature of the subject. It is the function of the statistician, as I have heard Professor Mayo-Smith define it, to keep mankind from being humbugged. Such a service may win for him the commendation of the discreet, but cannot earn the applause of the multitude.

ROLAND P. FALKNER.

The History of South Carolina under the Royal Government, 1719-1776.

By EDWARD MCCRADY, President of the Historical Society of South Carolina. Pp. 847. Price, \$3.50. New York: The Macmillan Company, 1899.

Mr. McCrady has given us in this volume a work which will hold its place among the best of our State histories. Beginning its existence under the Utopian scheme of Locke, with Palatines, Landgraves and Cassiques, revolting successfully against proprietary rule as early as 1719, foremost in the struggle for independence in 1775, applying its own doctrine of nullification in 1832, and leading in the formation of the new republic in 1860, South Carolina has from its earliest settlement occupied a unique and important place among the American commonwealths.

This position was once fully recognized by historians, but of late years has been ignored or minimized. One example of this change may be cited from the present work, where the author, quoting Bancroft, says: "As the united American people spread through the vast expanse over which their jurisdiction now extends, be it remembered that the blessing of union is due to the warmheartedness of South Carolina," and adds, "strange to say, this passage is omitted in later editions of Mr. Bancroft's history." Let it not be inferred from this citation that Mr. McCrady's book is controversial, or in any sense a "defence" of South Carolina, her actions or institutions; on the contrary, the work is entirely free from this fault. Nor has the author fallen into the kindred and common error of instituting invidious comparisons, or of magnifying the weaknesses and shortcomings of other states in order that the superiority of the state under consideration might be made more manifest; this mistake has been recently exemplified in the biography of a native of Mr. McCrady's own state, in which biography a whole people are belittled, to make the hero greater.

But it is not only in the practice of these negative virtues that the author has shown himself fitted for his task, his work is characterized

throughout by historical acumen, a broad scholarship and the careful use of historical sources. He has preferred contemporaneous documents to second-hand information in all cases where such documents exist, and he has been enabled thus to correct many errors of less conscientious historians.

Among the most interesting portions of the work under review are those in which the social life of the people is depicted. The centre of this social life was Charleston, which, owing to the wealth early acquired by its citizens, and to their constant intercourse with England, soon became a miniature London. England was the model in all things pertaining to manners, customs and culture; the latest fashions were imported from the metropolis; public balls and concerts were given; hunting was a favorite sport much indulged in; and it was said that the people were not satisfied unless the very brick for their houses were brought from England. Advertisements of races appear in the newspapers as early as 1734; the first theatre in America was built in Charleston in 1735, where "The Orphan, a Tragedy" was played the same year; clubs, partly social, partly charitable, were organized in 1729, and the first attempt to establish a public library was made in the same city in 1698. South Carolina as a colony and as a state has always taken an acute interest in the political questions of the day, and on this department of her history Mr. McCrady has brought to bear his great store of legal learning, as well as his knowledge of English constitutional history. So much has been written of the Navigation Acts and the Stamp Act that historians generally have given an undue amount of emphasis to these laws as the principal causes of the revolution. Mr. McCrady has clearly recognized the influence of the minor abuses of the English government in bringing about rebellion—the acts of omission as well as of commission—which long continued, gradually sapped the foundations of loyalty, until, eaten out from below, rather than over-weighted from above, the structure fell. Even the old story of the struggle between the commons, the council and the governor has, under Mr. McCrady's touch, been invested with new interest, and the reader been made to feel that he is looking on at the play of giant forces which later will rend an empire and free a nation.

WILLIAM E. MICKEL.

University of Pennsylvania.

Rivers of North America. A Reading Lesson for Students of Geography and Geology. By ISRAEL C. RUSSELL, LL. D., Professor of Geology, University of Michigan. Pages xv, 327. Price, \$1.75. New York: G. P. Putnam's Sons, 1898.

Earth Sculpture, or Origin of Land Forms. By JAMES GEIKIE, LL. D., D. C. L., F. R. S. Pages xiii, 397. Price, \$1.75. New York: G. P. Putnam's Sons, 1898.

From time to time books in the field of geography are noticed in the ANNALS. Attention is given to this class of literature because geography, particularly physical and economic geography, is an essential auxiliary to the study of the political and social sciences; because the institutions of government and society originate and grow in a physical environment that strongly influences their development.

The Science Series, published by Messrs. G. P. Putnam's Sons, with the editorial assistance of Professor J. McKeen Cattell, of Columbia University, and Mr. F. E. Beddard, of England, promises to contain, among its twenty-three announced volumes, several works of especial interest to students of politics and economics. In this category may safely be classed numbers three and four of the Series; number three being a volume on the "Rivers of North America," written by Professor Russell, of the University of Michigan, and number four being a work on "Earth Sculpture," by Professor James Geikie, of Edinburgh.

The "Rivers of North America" is the fourth excellent book for which students of geography are now indebted to Professor Russell. His three previous volumes dealing respectively with the lakes, the glaciers, and the volcanoes of North America, have been appreciated by students, teachers and readers generally, and his last volume, dealing with the rivers of our continent, is a work of equal merit. Professor Russell has the happy faculty of being both readable and scientific, and no one can peruse his volumes without gaining a better appreciation of the physical theatre in which American institutions are developing.

The volume on "Rivers," written "with the hope of assisting the reader both in questioning the streams and in understanding their answers," does but little in the way of describing particular streams, but has much to say concerning the way the rivers do their work and of the results of their ceaseless activity. Those who have studied the subject know that our land forms are mainly the result of the forces of denudation and that among those forces the activity of stream erosion is the most prominent.

Professor Geikie correctly says, in the preface to his book on "Earth Sculpture," that "although much has been written, especially of late years, on the origin of surface-features, yet there is no English work to which readers not skilled in geology can turn for some general account of the whole subject." Professor Geikie has succeeded very well in presenting such a general account. He studies the various land

forms, according to a very satisfactory classification, discussing the forces that have produced those forms, and telling us, in language not technical, how the surface-features of the world have come to be what they are. If the reader of Professor Geikie's book will follow it by a study of soils and their origin, and also by a study of mineral resources, he will be prepared to understand a good part of economic geology that would otherwise be unintelligible.

The student of physical and economic geography must make geology the basis of his studies, and if he has not made a systematic study of geology—as is the case with most persons—he will find in these books by Professors Russell and Geikie, the kind of geology he most needs and a very considerable share of all the geology required for the advantageous reading of geographical literature.

EMORY R. JOHNSON.

Washington, D. C.

German Higher Schools. The History, Organization and Methods of Secondary Education in Germany. By JAMES E. RUSSELL, Ph. D. Pp. xii, 455. Price, \$2.25. New York: Longmans, Green & Co., 1889.

From the perusal of this work one rises with new hope for the science of education. The scholarship displayed in this volume and the sound judgment which pervades its pages, show that superior talent and good sense are finding their way into the discussion of school problems. The author does not glorify everything abroad simply because it is foreign. He makes due account of the differences in the social and national life of the Old and the New World. Too often it is in pedagogy as in love. The girl whose home is a thousand miles away looks more attractive than the girl who lives next door; and the schools seen through the vista of three thousand miles look more perfect than the schools at home. He who reads merely to find fault, receives no encouragement from this volume. The attempt is made to show the reader how the German schools are suited to German conditions, how they adapt means and realize the ideals and ends of German life; and the temptation to point out the moral of every tale is studiously resisted. In the preparation of the volume he had the benefit of the counsel and criticism of some of the most competent educators of the fatherland. He enjoyed special privileges and courtesies as European commissioner of the New York Board of Regents and as the special agent of the United States Bureau of Education. These keys unlocked doors closed to many a visitor who lacks the credentials to secure government recognition and permission to visit the schools of Germany.

The volume starts with the beginnings of German schools, discusses the rise of Protestant schools, the transition to the schools of the present century, and enters into the details of the schools of Prussia which country is taken as representative of the whole of Germany. The account of the rules, regulations, customs, examinations, privileges, instruction and maintenance cannot fail to be instructive to every student who is anxious to get the most reliable information concerning schools at home and abroad. The most interesting chapter is the one on Tendencies of School Reform. Teaching is an art whose greatest achievements evidently belong not to the past or the present, but to the future. Hence, even in the land of schoolmasters we may expect to find the agitation of reforms in spite of reverence for the past and of class distinctions which demand a special training for the upper classes to distinguish them from the common people. The author claims that it is characteristic of the German way of doing things to slight nothing because of its apparent insignificance. He claims that questions of methods of teaching, of the internal organization and conduct of schools, of hygiene, of salaries and pensions, of the social rank and standing of teachers, of their professional training, are constantly in the minds of German educators and that, with few exceptions, their solution is either well understood or waits on the solution of more fundamental problems. One of the latter is the old question of the Greeks versus the Trojans, the emperor being opposed to the extreme advocates of Greek as a means of culture and a condition of preferment. Six years of Greek and nine years of Latin are required of the applicants for the coveted posts in the professional and civil service. Some would make Greek optional; others advocate three years of French, beginning say at nine years of age so that the boy's powers may be tested before he is obliged to choose his course of study and his vocation in life. Astonishing results are claimed for this plan which substitutes a modern language for three years of Latin and, selecting French for the purpose, treats it as a living language. We cannot refrain from transcribing part of the quotation from the report of the Mayor of Kiel who recommends the adoption by his own city of the new so-called Frankfort plan: "In Altona, where at present we find the only opportunity of seeing a *Reform-Schule* carried to the highest class, I was especially interested in the instruction in Latin. I followed it through classes from the *Untertertia* to the *Prima* of the *Realgymnasium*. In *Untertertia* where Latin is begun, the pupils showed an unmistakable interest in the new language; the grammatical questions of the teachers were answered with great readiness, and short sentences were translated with ease from German into Latin. In *Obertertia* a connected passage unfamiliar to the class was trans-

lated into Latin with remarkable confidence. Latin authors were taken up only in the *Secunda*. . . . "The aim of Latin instruction had been attained by the *Primæur* of the Altona Gymnasium at least as successfully, if not more so, than in any *Realgymnasium* of the old sort." Of the instruction at Frankfort the same visitor says: "The readiness with which the pupils answered the rapid questions of the teachers was really astonishing; even when the director put his questions in Latin, the answers in short Latin sentences were promptly given, a readiness which I can only explain by the pupil's confidence obtained in the use of the related language, the French."

These facts will hardly find credence except with those who have seen similar results from correct methods of teaching Latin. To the sceptic we say: "Go and see and be convinced." The results are probably due more to the teachers than to their specific methods. In drawing attention to these results the volume before us has rendered American teachers a service for which we can not be too thankful.

NATHAN C. SCHAEFFER.

Harrisburg, Pa.

*The Study of History in Schools.** Report of the Committee of Seven. Pp. 267. Price, 50c. New York: Macmillan Company, 1899.

This report merits high praise and careful study. The members of the committee formed a broad conception of their task and worked indefatigably. They studied the existing conditions in this country and ascertained what was done in other countries. They sought advice and aid from all who had had experience in teaching history. After they had obtained all data possible they devoted much time to its consideration. Before drafting the final report they made known the tentative conclusions which they had reached and invited discussion and criticism. The result is a truly admirable report.

The most important features are an outline of a "thorough and systematic course of study" for four years, suggestions "how the different blocks or periods may be treated" as to the methods of instruction, and a discussion of what the college entrance requirements should be and how the entrance examinations should be conducted.

In the appendix, which fills nearly half the volume, there are chapters on "the present condition of history in American secondary

*The members of the committee were Professor McLaughlin, of the University of Michigan; Professor Adams, of Johns Hopkins; Mr. Fox, of the Hopkins' Grammar School in New Haven; Professor Hart, of Harvard; Professor Haskins, of the University of Wisconsin; Professor Salmon, of Vassar; and Professor Stephens, of Cornell.

schools," and on the "study of history below the secondary schools," articles on the teaching of history in the secondary schools of Germany, France, England and Canada, and select lists of pedagogical works and of maps and atlases. The appendix has a decided value.

The most important recommendation of the committee is that there shall be a four years' course "beginning with ancient history and ending with American history." They propose the following subdivisions: for the first year "ancient history, with special reference to Greek and Roman history," ending at the year 800, or 814, or 843; for the second year mediæval and modern European history to the present time; for the third year English history; and for the last year American history and civil government.

In regard to the entrance requirements they wisely refrain from recommending any fixed system, as the diversity of requirements and aims in our colleges is so great. But they do recommend that "one unit of history," *i. e.*, "one year wherein the study is given five times per week," shall be the minimum requirement for any college which has fixed entrance requirements. They add that they consider one unit insufficient and, but for existing conditions which make it impracticable, a minimum recommendation should be two units or more. Taken as a whole, the report offers the best discussion of the subject which has yet appeared.

One subject seems to have eluded the vigilance of the committee. The statement is made, on page 147, that "from the replies [from more than sixty principals] it seems doubtful whether all the teachers know what is meant by sources." If they do not, they will not learn from this report, although the use of sources is ably discussed.

The chief subject of criticism is the course of study recommended for the second year, mediæval and modern history from about 800 A. D., to the present day. The subjects are too extensive and lack unity. The committee realized the difficulties but did not avoid them. It seems probable that they were led into this recommendation by an unwillingness to disregard the custom of teaching English history as a separate subject. This custom is an inheritance from our English ancestors and is of doubtful value. Before the end of the Hundred Years' war there is no reason for separating English history in our schools from the history of the rest of Europe. At many points in the later history English affairs would be far better understood if taught in close connection with the events on the Continent. If the committee had turned away from the present tendency to isolate English history, they could have recommended a scheme of study which would have been more feasible. For instance, the first year might close about 600 A.D., with the barbarian migrations. Then the rise of the Mohammedan

religion need not be taught in the first year as an isolated fact. The second year might include the period 600 to 1648, and in that case could be given a unity of treatment which is entirely lacking for the second year of the proposed course. The third year would then be free for the history from 1648 to the present day. English history could be given sufficient prominence, and the student would get a familiarity with recent history in Europe which it is impossible for him to obtain under the system recommended.

These details are merely suggestions to show the possibility of better instruction throughout the whole of the first three years if the committee had felt justified in disregarding the prominence given at present to English history. Whether this suggestion is wise or not, the fact remains that the recommendation for the second year's course is open to serious criticism.

DANA C. MUNRO.

University of Pennsylvania.

NOTES ON MUNICIPAL GOVERNMENT.

AMERICAN CITIES.

Boston.*—*Society of Municipal Officers.* The Boston Society of Municipal Officers held its first annual meeting on October 25. The society was organized at the instance of Mayor Quincy on January 17, with a view to the advantage to be derived from promoting a personal acquaintance between officials of the various departments. Its purposes are to stimulate outside interest in the affairs of Boston; to promote a better civic spirit; and to interest a larger number of people in the work which a city has to do. The intention is to discuss municipal subjects from expert points of view. Four regular meetings were held on Wednesday afternoons. On April 15 the society met at the Public Library and Mr. Herbert Putnam, Librarian of Congress, addressed the members on "The Use and Scope of the Library." The meeting on May 10 was addressed by Prof. William Sidgwick, vice-president of the society, on "Dust, Smoke and Gas in Boston." In the summer a meeting was held on Long Island in the harbor. The pauper institutions on the island were visited; the secretary of the society, Mrs. Alice N. Lincoln, spoke on "The History of Long Island," and Mr. Ernest C. Marshall, the Penal Institutions Commissioner, spoke on "The Life and Benevolent Bequest of Mr. Randidge, the Founder of the Randidge Excursions for Poor Children," and Mr. James F. Wise told about "The Municipal Camp for Boys." The society has nearly ninety members, representing most of the city departments.

Public Convenience Station. The baths department has established a public convenience station on the Common, near the Park Street Subway station. It is a model of the kind. It is entirely underground, has entrances for women and for men on opposite sides, is well heated and ventilated, lighted by electricity, lined with marble and handsomely vaulted with glazed Guastavino tiling, fitted with water-closets, urinals and lavatories of the best design, and has the appearance of the toilet-rooms in a first-class hotel.

Public Baths. The attendance at the summer baths in July, August and September was 1,504,271. At the L Street beach alone, devoted to nude bathing, the attendance was 318,454. At the two all-year-round baths—Dover Street and the East Boston Gymnasium—the attendance from February 1 to October 1 was 275,878.

* Communication of Sylvester Baxter, Esq.

Municipal Gymnasium. The new municipal gymnasium at Commonwealth park, South Boston, was opened on November 1. The cost was \$28,000. The building, designed in the English domestic style of architecture, covers an area of about 10,000 feet, the gymnasium having a floor area of about 6,800 feet and a clear height of eighteen feet. Suspended from the trusses is a running-track of eighteen laps to the mile. The fittings are of the best description. The shower-rooms will also be utilized as a public bath. The East Boston gymnasium was given to the city, but this is the first municipal gymnasium to be built in the country.

Buffalo.—Voting Machine.* At the election of Tuesday, November 7, 1899, the City of Buffalo made use of voting machines for the first time, and this is also the first time that they have ever been used on so large a scale in this country. They more than met all expectations. It required 108 of them fully to equip the city, while seven more were held in reserve in case of accident or violence. The machines used have capacity for eight different parties nominating thirty candidates each, and for eight constitutional amendments or other questions submitted to the people. Only four party columns were in use, however, and four amendments were voted on. The number of candidates on each machine was between seventy and eighty, and there were not more than twenty-three in any one column. Candidates were grouped vertically by parties and horizontally by offices, all candidates for the same office being on the same horizontal line or group of lines. The arrangement was exactly the same as that of the Australian ballot in the form used in New York State.

The number of voters registered in each district varied from 450 to about 750. The polls opened at 6 a. m. and closed at 5 p. m.; by noon two-thirds of the entire vote registered had been cast in nearly all the districts. The law allows a voter to remain at the machine one minute, but comparatively few took as long as that. In the early morning hours votes were cast at rates varying from 85 to 190 an hour, but no one was hurried.

The most wonderful feature of the election, however, was the speed with which the returns came in. Arrangements had been made to have them brought from the polling places to the City Hall by bicycles, the Press Cycling Club furnishing 150 of its swiftest riders for the purpose. The machines count as well as register the vote, so that at the close of the election the count is complete and the inspectors have only to copy the figures from the counters in the machine upon their tally sheets. The polls closed at 5 p. m., and at eight minutes past five the first complete return reached the City Hall from

* Communication of A. C. Richardson, Esq.

a polling place two miles distant! By half-past five complete returns were in from 105 out of 108 districts. The other three came in a few minutes past six, and by half-past seven the entire result of the election in the city was printed in extras by the afternoon papers—a feat unprecedented in the history of this country.

The voting machine seems to have solved the problem of securing honest elections. The mechanism cannot go wrong if it is started at zero, no fraud is possible without instant detection, and the prompt publicity of the result prevents any alteration of the returns. Of course, like any other human device, the machine must be worked by honest men, or by men who are so watched that they are forced to be honest. It is safe to say that no voter in Buffalo, and certainly no election officer, would care to go back to the old system of separate paper ballots. It used to take the election officers until two, three or four o'clock the next morning to count the ballots and make out the returns. Now they finish their work and go home before seven o'clock on the day of election.

It was thought by some that there would be more "straight" voting than ever this year, but the returns showed that there had been very much less. The entire Republican ticket was elected; but the majorities on it ranged from over 9,000 for Superintendent of Education to somewhat over 1,600 for Municipal Court Justice. This result shows that "splitting" is quite as easy, if not easier, with the machines than it was with the paper ballots, and that a "split" vote is sure to be counted as cast, which is not always the case with separate ballots. It also shows that the people of Buffalo, at least, are both able and willing to discriminate between good and bad candidates, and that, in a purely municipal contest, as this was, party names do not count for much.

Again, there is great economy in the use of voting machines. Last year there were 155 election districts in Buffalo, this year, 108; thus the city dispensed with forty-seven complete election boards, and all the ballot clerks, of whom there are two for each district when paper ballots are used. The printing bills, too, are much less, and the saving in these and other ways is estimated to be over \$10,000 a year—a sum which will pay the entire cost of the machines in about five years. Never did the city make a better investment, and it is quite certain that voting machines have come to stay in Buffalo.

Cleveland.—*Municipal Association.* The third annual report of the Municipal Association, which has just been published, should be of great interest as indicating various fields of activity for practical

* Communication of M. J. Fanning, Esq., Secretary Cleveland Municipal Association.

municipal reform. Investigations into the operations of several municipal and county offices were conducted by the Association, with the result of recovering large sums of money illegally expended. Work in the direction of securing cleaner streets and an abatement of the smoke nuisance is well under way. Gambling institutions that had flourished despite the efforts of the authorities were suppressed, through the work of the Association. Copies of the city's payrolls for eight years past were made and analyzed with the result of showing the sweeping changes made each year under the spoils system, and furnishing an exact basis for legislative efforts to place the city employes under civil service regulations. The method of selecting juries was investigated. Primary election frauds were exposed. Many investigations were instituted on complaint of citizens having special grievances. Beside this work the Association issued seventeen bulletins, one containing forty-eight pages, before the city election last spring, and three before the election this fall.

Street Railway Legislation. There seems to be no doubt that the Cleveland City Railway Company will ask the city council, within a short time, for legislation renewing its franchises for a period of twenty-five years from 1900. Of the five franchises of this company, two expire in 1904 and the remainder in 1908. The municipal association's report contains the following outline of its position toward the reported proposed action of the railway company:

"The association reaffirms the position it has taken on the street railway question. It is opposed to the renewal of existing grants until at the earliest beginning of the period of their expirations. "In 1904 the first of the existing franchises expires. At that time the city will be called upon to act. With the fuller information which will then be at hand the city will be in a much better position than at present to judge wisely concerning its own interests. The public does not yet know the facts necessary to enable it to reach a conclusion upon any important detail; there is even a wide difference of opinion as to the basis upon which to frame a new franchise. Some favor low fares, others the payment of a percentage of gross earnings, while still others advocate municipal ownership. The work of the National Municipal League, as well as the Ohio Municipal Code Commission, is indicative of the widespread attention which the question is receiving, and the city should await the results of these investigations, and any legislation enacted in connection therewith, before consenting to a final determination of the problem for another quarter of a century. Within the past year the Detroit proposals have thrown a very considerable light upon the question, and undoubtedly other instances

will occur which will contribute still more within the next four years. Experiments will be tried and definite conclusions may be reached.

"But the question is frequently asked: Would it not be wise for the city to enter into new contracts now and thereby secure benefits which would otherwise be postponed until 1904 or later?

"Your committee is ready to admit that it would be wise to secure these benefits now, provided, however, and always on condition that clauses be inserted in the ordinances reserving the main questions for the future.

"No amount of gross earnings payable to the city (to which the railroad companies would consent) would compensate it for granting without reserve a franchise for twenty-five years. With its present light upon the subject the committee is convinced that no renewals should, under any circumstances, be considered satisfactory to the city which do not include the following reservations and provisions:

"(a) A reservation to the city to at any time retake the franchise and purchase the railroad property by the payment of the appraised value of the physical property, account being also taken of material and equipment worn out or discarded, and still properly carried as an asset; but if the city elect to take the railroad property prior to 19— (the average life of the present existing franchises), then the city should also pay the railroad company the estimated value of the franchise between the date of acquisition by the city and 19—; but thereafter no account should be taken of franchise value.*

"(b) A requirement that the railroad pay to the city annually a percentage of gross receipts from all sources according to a sliding scale to be agreed upon; right being reserved to the council to require lower fares, in which event, however, the percentage of gross receipts should be less by a proportion to be specified in the original contract.†

"(c) A requirement that the railroad company's books be open at all proper times to inspection for the determination of gross receipts by accountants of recognized ability and standing, to be appointed by the mayor."‡

National Municipal League.—The Fifth Annual Meeting of the League was held at Columbus, Ohio, on the fifteenth, sixteenth and seventeenth of November. Taken in connection with the meeting of last year held at Indianapolis, the work of the league may be said to

* By this reservation the city saves to itself the right to own and operate the roads, should the Legislature authorize it, and the people desire it.

† By this requirement the question of low fares or payment of a percentage of gross profits would be susceptible of change from time to time by the council.

‡ This provision would be absolutely essential to the protection of the city's interests.

have entered upon a new phase. Up to that time the sessions were mainly occupied with critical reports of municipal conditions in various portions of the country. Little attempt had been made to develop anything like a positive program of municipal reform. At the Louisville meeting in 1897, the need of such a positive program had become so evident that it was decided to appoint a special Committee on Municipal Program. The preliminary report of this committee was considered at the Annual Meeting of 1898 and the committee continued for the purpose of bringing the program into condition for final adoption. At the Columbus meeting the Constitutional Amendment and Municipal Corporations Act as framed by the committee were made the subject of discussion and adopted by the league. In connection with the program thus formulated the committee presented a series of papers, designed to elucidate the characteristic features of the amendment and act. The principal papers presented by the committee were those of Horace E. Deming, Esq., of New York, on "Public Opinion and City Government under the Proposed Municipal Program;" Professor F. J. Goodnow, of Columbia University, on "Political Parties under the Proposed Municipal Program;" Professor L. S. Rowe, of the University of Pennsylvania, on "Public Accounting under the Proposed Municipal Program." In addition to this series of official papers the Hon. Bird S. Coler, Comptroller of Greater New York, presented a paper on "The City's Power to Incur Indebtedness under the Proposed Municipal Program."

One of the evening sessions was devoted, furthermore, to a consideration of the report of the Municipal Code Commission of Ohio, which has formulated a Municipal Corporations Act for the cities and villages of the state. In addition, Dr. D. F. Wilcox presented an analysis of the municipal program. The discussions were participated in by Mr. Harry Garfield and Mr. E. J. Blandin, Cleveland, Ohio; Hon. W. D. Foulke, Richmond, Ind.; Dr. M. R. Maltbie, New York City; Dr. E. W. Hartwell, Boston; Dr. Samuel E. Sparling, University of Wisconsin, Mr. A. L. Crosby, Cleveland, Ohio, and Professor C. W. Tooke, University of Illinois.

Probably the most important paper of the meeting was that presented by Mr. Deming, in which he outlined the probable influence of the system of city government proposed by the committee upon the attitude of the population toward the municipality. The underlying thought of the paper is contained in the following abstract:

"Under the proposed municipal program the city's independence is guaranteed. The state legislature cannot meddle with purely local affairs. Its functions, so far as cities are concerned, are confined to passing laws applicable to all cities or all inhabitants of the state,

except in cases where the necessity for special legislation is so clear that it receives the affirmative vote of two-thirds of all the members of the legislature and is formally approved by the council of the city, or, if disapproved, is again passed by a two-thirds vote, which must include three-fourths of the members from districts outside of the city concerned.

"The city is vested with ample power to manage its own affairs. It may acquire, hold and control property. Within its corporate limits it has the same powers of taxation as are possessed by the state; it may license and regulate all trades, occupations and businesses; it is vested with power to perform and render all public services, and with all powers of government subject to the state constitution and to laws applicable to all cities and all inhabitants of the state.

"The business function of administration and the purely political function of determining the local public policy are entrusted to entirely separate agencies, the former to a mayor and his appointees in the administrative service, who hold office without fixed term, the latter to the council, subject to a limited veto power in the mayor. The merit principle is strictly enforced in all appointments and promotions in the subordinate administrative service.

"The council is the grand committee of the citizens chosen by them for the purpose of determining all questions of city policy. The mayor and the council are the only officials elected by a popular vote. Nominations for these offices must be by petition. The ballot is simple. Names of all candidates for the same elective office must be alphabetically arranged under the title of the office, and the voter must vote separately for each candidate for whom he desires to vote.

"The city under the proposed municipal program is a representative democracy. Unable to resort to outside assistance and secure against outside interference, compelled to work out its own local destiny, and clothed with ample powers to do so, the very necessity of the case will develop an enlightened public opinion, which will control the public policy. The people are the government."

Professor Goodnow in his paper on "Political Parties" took the following position:

"Political parties interest themselves in municipal politics because cities are important agents of state government, and in order to make use of the city to strengthen the party organization.

"To reduce the temptation of political parties to interfere in municipal politics cities should, so far as they are acting as agents of the state, *i. e.*, in the care of the police, the schools, the public health and so on, be subjected to state control. This control should be exercised by administrative bodies, rather than by the state legisla-

ture. For the legislature, being in the nature of things a political body, is apt to make use of its control in the interest of the political parties. Much progress has been made already in this direction in the United States. Further, the power of the party to make use of city patronage in its own interest should be destroyed.

"To accomplish these results the proposed program prohibits special legislation and provides for a state administrative control of city accounts and a rigid system of civil service regulations which attempts to secure appointment in the city service for merit and a term of office during good behavior.

"The city is further vested with the widest powers of action, and its organization has been made so simple—the mayor and members of the council being the only officers elected—that the citizen is no longer compelled, as he is practically at present, to rely on the party to choose candidates for office.

"Provision is made, finally, for an absolutely secret vote, and for the nomination of candidates for office by a certificate, to be signed by a small number of citizens with the idea of facilitating action in municipal matters outside of parties.

"It has been hoped that by removing, or, at any rate, diminishing, both the temptation and the opportunity of political parties to interfere in municipal politics and by making it easy for the citizen to act independently of the parties, the city may be freed from the tyranny of the national political parties, which have so often in the past sacrificed the city to their own interests."

The paper of Professor Rowe on the question of "Public Accounting" discussed the

1. Content and Arrangement of Financial Reports.
2. Financial Control Over Receipts and Expenditures.
3. Accounting of Municipal Industrial Enterprises.
4. Accounting of Grantees of Franchises.

Hon. Clinton Rogers Woodruff in his presentation of the year's work in municipal reform said:

"Hand in hand with the movement to divorce municipal questions from state and national questions is that for the introduction of the merit system. The spoils system and national partisanship in municipal matters go hand in hand. The elimination of the spoils system means the elimination of national partisanship in municipal affairs. The spoils partisan recognizes this, and devotes his force and energy to combating the introduction of the merit system; but despite his efforts, his subtlety and chicanery the movement for civil service reform in our municipalities goes steadily forward and is making substantial headway. The experience in New York State, in San

Francisco and in Chicago, all point to one conclusion—that the people when they have a chance to express their opinion, are in favor of the merit system, and that the politicians whenever they have an opportunity will do all that lies within their power to retard its progress.

“There has been no abatement in the movement for charter reform throughout the country. It has gone steadily on; succeeding here, failing for the present there, only to be followed by still more vigorous efforts.

“There has been no more substantial indication of the growing public interest in municipal problems than the discussion during the past year of the question of municipal ownership, control and operation of municipal franchises. At the Detroit meeting of the League of American Municipalities the sentiment of the officials of the cities there represented was unqualified in favor of the municipal ownership, control and operation of the principal municipal franchises. Since that time the whole question has been discussed with a degree of care and thoroughness that indicates beyond question that the people are thinking on the subject, and thinking with a view to determining once and for all the fundamental policy involved.”

New Orleans.*—Ownership of Public Utilities. In July, 1897, the Municipal Improvement Association of New Orleans was organized for the purpose of making “the city of New Orleans a pleasanter, cheaper and a more healthful place to live in than it now is, or than it is likely to become, unless some special effort on the part of our citizens be made.” This organization, composed entirely of citizens of New Orleans, formulated a comprehensive plan by which the “municipality might acquire and operate, under competent and responsible direction, its own public works, and save its citizens the profits now drawn from their pockets by the corporations controlling and administering for private gain and advantage, franchises which should be controlled and managed solely in the interests of the public.”

The city had dispossessed itself of nearly all its public works. To regain control of these and to prevent those that still remained in the hands of the city from passing into the hands of private parties, was the purpose of the organization. In pursuance of its plans, a constitutional amendment to insure municipal ownership of public works was drafted, for submission to the constitutional convention which met in the spring of 1898. The bulletin issued by the Improvement Association in connection with this proposition stated that it was an unpleasant fact to chronicle “that the city of New Orleans has been for the past twenty years one of the least progressive cities of the United States. It has declined from the sixth place to the twelfth place in

* Communication of the Honorable Clinton Rogers Woodruff.

point of population and manufactures. A mighty effort must be made to place our city in the front rank of American cities."

The bulletin then went on to state that the board provided for was to be composed of fifty-one members to be divided into committees, having charge of the various works, all of these sub-committees, however, to be under the direct supervision and control of the entire board, which was to have charge of and supervise the sewerage system, the water works, lighting, garbage and street cleaning, paving and bouquettes, telephones, the belt railroad, wharves, parks, public squares and buildings and drainage. The sewerage franchise had been granted to a company then in the hands of a receiver. The water works were owned by a private corporation, although they had once been owned by the city. The lighting was in the hands of a private company; also the cleaning of streets, the collection of garbage and the telephone system. Wharves had been granted to private lessees upon inadequate terms.

All profits accruing from their operation were to be paid into the city treasury. It also proposed that a belt railroad should be erected to meet the growing needs of the port and to provide for all existing or future roads, equal facilities, upon the payment of a proportionate share of the actual expenses of the road. This comprehensive and far-reaching plan for maintaining the public works of the city under direct municipal supervision was to be provided for by the levying of a two and a half mill tax for a long period of years, and by mortgaging and pledging the revenues of the various systems.

The association set forth that at that time the following sums were paid by the city to contractors and to departments of the city for the services which would thereafter go to the Board of Public Works, should the ordinance be enacted into law:

Jefferson City Gas Light Company	\$ 30,105 00
Louisiana Electric Light Company	180,000 00
N. O. Water Works Company	94,752 00
Algiers Water Works and Electric Light Company	11,280 00
Great South Telegraph and Telephone Com- pany	3,000 00
Wharves and Landings	10,000 00
Commissioner of Public Works	130,311 75
Garbage	120,000 00
Total	\$579,448 75
For renting various franchise stations when complete and for other purposes	\$ 60,000 00
Total	\$639,488 75

It was further provided that the city of New Orleans should pay over to the Board of Public Works two-fifths of its estimated revenue, or about \$640,000, as per the above table. This, together with the sums that would be received from the permanent public improvement fund would, it was estimated, in time enable the city to become the owner of the plants.

The constitutional convention did not see fit to adopt the principles of the association's proposal. It was then amended and subsequently introduced into the legislature; but that body took no action on the measure. The association, however, did not remit its efforts, and prepared another ordinance, which was submitted to the legislature, but not acted upon. Then the association determined to confine its efforts to provide for a municipal water works and a municipal sewerage and drainage system, and after a lively campaign, an ordinance providing for these objects was approved by the citizens of New Orleans, on June 6, 1899, at a special election called for the purpose. Taxpayers only were permitted to vote, and they by a large majority approved the proposition, which provided for the appointment of a Sewerage and Water Board with power to "acquire, own, construct, control, maintain and operate under any and all the provisions of this ordinance in the name of and for the benefit of the city of New Orleans and its citizens, the sewerage and water plants now established, or to be hereafter established in the city of New Orleans and throughout the populated territory of said city, simultaneously."

To enable the city to provide the funds necessary for the establishment of these plants, the city is authorized to create a loan which shall be paid by special tax of two mills for forty-three years on the real estate, the proceeds thereof to be capitalized and devoted to the aforementioned purpose. This proposition was submitted to an extra session of the legislature, which legalized the issuing of bonds in accordance with the terms of the ordinance, and the first important step in the sanitary regeneration of New Orleans has been taken.

Ohio Municipal Code Commission.—The report of the Municipal Code Commission appointed by Governor Bushnell to prepare a bill for the government of cities and villages of the State contains a comprehensive plan, of which the main features are as follows :

(1.) A sharp and definite line is drawn between legislative and executive functions of municipal corporation officers. Nowhere does it blend these functions in one officer or in the same body of officers. This was done, first, because the statute which created the commission commanded the commissioners to observe this distinction in drafting the law. Second, it was done because the commissioners were convinced that much of the friction and collision between the officers of

cities in this state, during the past fifteen years, was caused by the blending of legislative and executive functions in the same officer, or body of officers. If this proposed law should be adopted by the legislature, the municipal councils will do all the work of legislating for the cities and villages, subject only to the veto power of the mayor, and the executive officers will perform all of the executive duties without being subject to any direct restraint from the legislative authority.

(2.) Only two classes of municipal corporations, viz., cities and villages, are provided for. This was due to a recognition of the fact that much of the misgovernment in the cities of Ohio is due to classification legislation. Indeed, it may be said, as the Supreme Court of Pennsylvania said of the legislation of that state, that classification has been "running mad" in Ohio legislation.

(3.) The proposed law provides for a complete merit system, to be applied in the appointment of all executive officers of cities, except the heads of the four executive departments. If the legislature should ratify and adopt it, as it has been drawn, every executive officer, save the four just mentioned, will, after examination, receive their appointments because they are qualified to fill the offices, and not because they have rendered political service to either party. No executive officer, except these four, will be permitted to draw any salary, unless he has been appointed, and is holding his office, in strict obedience to the requirements of the chapter providing for the merit system. The examining officers will be appointed by the state board of merit commissioners, who will be appointed by the governor. It is not inappropriate to repeat that this law will make fitness the only test of appointment, and fidelity and efficiency the only tenure of office.

(4.) The form for the executive part of the government of cities is that which is known as the federal plan. The executive power will be vested in the mayor and the heads of four departments. The heads of these departments will be entitled as follows:

Director of law, director of public safety, director of public improvements and director of accounts. These officers will be appointed by the mayor, but will not be subject to confirmation by the council. The mayor will have unlimited power to remove any or all of these directors, without liability to anybody for the exercise of the power. The directors will have the power to remove any of their subordinates, for cause, but no power to fill the vacancies thus made since that will be done under the merit system.

This plan of government will place all of the responsibility for the execution of the executive powers in cities upon the mayor. This responsibility cannot be divided by him with any other officer or officers. The voters will have no trouble in locating the responsi-

bility for misgovernment, when the failure to perform executive duties is the cause of it.

(5.) The council of each city will consist of seven members, three of whom are to be elected by the city at large, and four by an equal number of councilmanic districts. This mode of electing councilmen, it is believed, will cause abler men to be selected for, and elected to, such positions.

The council will be endowed with full power to pay their members adequate salaries, and they will also have the power to fix the salaries of all the executive officers. They will be charged with the exercise of all the legislative power of the city, and will be neither compelled nor suffered to share the exercise of this power with any other officer or officers.

Each member of the council will be required to give a bond for the faithful discharge of his duties, and he and his bondsmen will be responsible for any public moneys illegally appropriated by his vote, unless his vote was based on the written opinion of the director of law, that it was a lawful appropriation of the public money. This liability of councilmen ought to induce greater caution, and a higher degree of care, in making appropriations.

(6.) In cities the only officers to be elected by the people will be the mayor, police judge, police clerk, and city treasurer; and it is proposed that candidates for these offices shall not be designated on the ballots as either Republican, Democratic or Prohibition candidates, as is now done. Nominations will be made by the petitions of a designated number of voters, and not by political conventions or primaries, as is now done.

(7.) The people of each city having a population of fifty thousand or more, shall have the right to own, control and manage, their own street cars, telephones, gas and electric lighting, water works, etc. This can be done after the people have, by a majority vote at an election, decided upon such a course.

(8.) No franchises are to be granted by councils to street car, telephone, gas and electric lighting and water companies to use the streets and other public utilities, until the people have first, by vote, decided to allow it to be done.

(9.) Municipal corporations will enjoy the most ample powers of local self-government. They will not, however, be commanded by the legislature to exercise such enlarged powers; the policy and expediency of exercising them will be left to the determination of the municipal corporations. In very few instances will the law direct what the municipalities shall do in governing themselves. In this way it is believed that this new law will guarantee to the people of cities and villages in Ohio, the largest measure of Home Rule.

SOCIOLOGICAL NOTES.

American Public Health Association.—*Report of Twenty-seventh Annual Meeting.** This meeting was held in Minneapolis October 30 to November 3, 1899. One hundred and fifty delegates from Canada, Mexico and the United States were present. Most of the northern and middle west states had representation. Dr. Henry Mitchell, secretary of the State Board of Health of New Jersey, presided at the afternoon and morning sessions. The evenings were given over to social functions. Monday the University of Minnesota entertained the Bacteriologists, Tuesday official welcome was extended on behalf of the state, the city and the County Academy of Medicine. Wednesday and Thursday evenings the delegates were tendered a smoking social and reception by the academy and the citizens of Minneapolis. As the principal good of conventions is the opportunity afforded for extending one's acquaintance, the Minneapolis meeting was a very decided success.

The importance of this particular association among the social movements that mark the last quarter century is not fully recognized either in the daily or technical sociological journals. Perhaps no better means are at hand of estimating the standing of the association in the minds of the lawyer, the physician, social reformer, general public and the press, than the attention paid to the gathering by the people of Minneapolis. Minneapolis is a city of 200,000 and the centre of a district of half a million inhabitants. It is the seat of a great university, many of whose 3,200 students are studying medicine, law, sociology, etc. The city prides itself on its natural beauty, business aggressiveness, intellectual advancement and generous hospitality. It is the home of an Academy of Medicine, with very high standards for membership. Journalism of an advanced type is very much in evidence. We have then all the conditions requisite to furnishing a large and appreciative audience to any convention where the city's guests are discussing problems of the day, recognized as vital. History records much to our dismay and disappointment that there were more people from Mexico at any regular meeting than from Minneapolis. The attendance of the local profession was so slight that one delegate significantly inquired: "Are there no doctors in Minneapolis?" When the state, the county, the city and the university extended official welcome to the delegates, the *welcomed* far outnumbered the *welcomers*.

* Contributed by Mr. William Harvey Allen, Philadelphia.

The next morning the speech of the mayor was given in full, whereas the scholarly and impressive report of the president of the association was dismissed with the statement: "The president made his annual report, reviewing the work accomplished during the last year, . . . and what it was hoped to accomplish in the future." This account, like others, found no place on the first page of any journal. Practical suggestions made during the convention did not to my knowledge receive editorial comment.

This is mentioned, not to reflect upon the hospitality or intelligence of the people of Minnesota—my native state. Rather is it a statement of fact, of value here as indicating certain social phenomena, nearly as common in the East as in the West. If the people of Minnesota were as keenly sensitive to the importance of public health, as are the representatives who welcomed the association, none of these things would have happened, and their meaning cannot be discussed here.

There were several papers which merit special mention. It is of great importance to the student of social problems to learn what is being done by administrators of preventive measures to ameliorate or abolish social diseases, whether physical or psychical. In the reports of this association since 1873, one may find a review of the achievements of "dynamic" medicine and "dynamic" practical science for a quarter century. By perusing them one will better understand the value of the contribution to society of the modern bacteriological laboratories.

But for our purpose it is better to call attention to three results of the meeting. (1) Resolutions to promote protection of forests as a *health* measure. (2) Resolutions in favor of insertion into medical curricula systematic courses in public health. (3) Establishment of a laboratory division of the association.

While the papers which presented the relation of forests to the public health were not discussed, time was found to commit the association to the opinion that the time has come for our states, municipalities and national government to prohibit the destruction of forests and promote their extension *as a means of advancing public health*. It is to be regretted that the resolutions went no farther than to recommend setting aside wooded areas as *public parks*.

Students of sociology and of civil service reform will note with pleasure the resolution, which expresses the conviction of a learned scientific body that the time has come when our universities should train at least some of their graduates to take a *collective* view of public health problems, to see society as a unit with certain needs and propensities, traditions and prejudices peculiar to itself. Experience

teaches that we are bound to have laws relating to public health. Experience teaches, too, that we shall try to enforce those laws. Reason, as well as expediency, demands that we have men to enforce public health laws who know what *public* means, and who know the origin, history, power and social import of those laws.

The differentiating tendency manifested by the establishment of a laboratory division is very encouraging. In a word, the association has taken steps to save time, afford discussion, insure greater intensity in the study of public health, and a freer interchange of experiences in the application of health laws. The ultimate result must be a quickening of public interest in the practical meetings, for there will henceforth be a conscious exclusion of facts of mere medical or scientific interest and a concentration of attention upon facts bearing exclusively and directly upon public health.

It should be noted that our neighbors, Canada and Mexico, contributed greatly to the earnestness and scholarship of the meeting. Several of our universities had representatives and many state boards of health. The next meeting will be held at Indianapolis, under the presidency of Professor P. H. Bryce, of Toronto, Ontario.

The International Congresses of the Exposition of 1900.*—*Program of the Congress on Social Education.* The first International Congress of Social Education, that is, on the education of citizens in their social rights and duties, has now completed the program of questions which are to be proposed for discussion under the three following heads:

I. General method—object study of social facts.

1. Establishment of the facts of natural "solidarity."

(a) Facts of interdependence: In nature (family, heredity, epidemics, climates, etc.). In history (grouping of races, classes, countries, opinions, etc., according to outward conditions).

(b) Analogous social facts: Hygienic (public health, diseases, infirmities from ill-distributed work, burdens of charity, etc.). Economic (production, consumption, strikes, public works, etc.).

2. Theoretical and philosophic study of social solidarity:

(a) Foundation of the idea of solidarity, its nature, limits, relations with the idea of liberty and with the idea of justice.

(b) General laws governing the relations of social beings; consequent sanctions.

3. Consequences of the law of solidarity applied to the social relations of individuals among themselves:

(a) Differences of appreciation and opinion according as one is an

*For outline of program of other Congresses at the Exposition, see *ANNALS* for September and November, 1899.

individualist or solidarist. Advantages of action as a solidarity; individual interests are harmonious and not contrary; need of substituting the idea of the collective (*solidaire*) struggle of men for life against exterior obstacles, in place of the idea of individual struggle among men.

(b) Influence of social education on the organic dispositions of society. Necessity of such education for accepting law according to the principles of justice.

II. Practical social education.

1. Diffusion of ideas of solidarity; theoretic and object teaching:

(a) Tasks and readings calculated to make known the facts of solidarity, with the principles which govern them and the laws which result from them.

(b) Application to current facts of life in school, in the family, in habitual environment.

2. Development of social sentiment:

(a) Practical action conformable to the principle of solidarity; organization of temporary groups with special object.

(b) Use of solidarity action in such groups; encouragements of private initiative, recognition of capacities brought to light by circumstances, etc.

3. Exercise of the social sense:

(a) Organization of groups of children and men for all cases in which solidarity action can be efficacious.

(b) Creation of environment in which individuals have to act in the social interest; practicing the exchange of services, solidarity between strong and weak; learning the mechanism of collective action acquiring administrative experience, acquaintance with capabilities, voluntary acceptance of the opinion of the greater number, in a word, all that concurs to the intelligent organization of free individual initiative.

(c) Practice of principles of solidarity at every point of social life in which individual initiative may be exercised; education of the less instructed by the more instructed; solidarity in the family, the regiment, in labor, production, consumption, in assistance and charity, etc.

III.—Practical applications.

1. General character of collective works:

(a) Works of denominational propaganda; their special conditions.

(b) Works of charity; difference from works of solidarity.

(c) Works of solidarity; their organization, social efficiency.

2. Examination of works existing at present; progress made:

(a) Works of pure practice (aid, orphanages, canteens, dispensaries, etc.).

(b) Works of practical education (students' and former students' associations, friendly societies, unions, federations, co-operative societies, etc.).

(c) Works of theoretical propaganda (lectures, libraries, journals, reviews).

3. Conditions to be adopted for improving and completing the action of collective works:

(a) Conditions relating to the foundation and management of works.

(b) Nature of progress to be realized by initiative of citizens.

(c) Works to be founded in order to complete the series of collective works proper for social education.

The president of the committee is ex-Prime Minister Leon Bourgeois. Correspondence to be addressed to Madame Lamperiere, secretaire generale, 37 rue Vanneau, Paris.

The Order of St. Christopher.—*A Training for Institutional Service.** In visiting some hundreds of penal, correctional and charitable institutions in the United States, I have been struck with the lack of trained officers and employees. There were many who had more or less experience in certain lines of institutional work, but few who had had any course of scientific or fundamental training, such as should underlie such work. Many of the defects observable in institutions were due to lack of trained and consecrated experts, men and women who had given their lives from the highest motives to institutional service, and who had been trained carefully and thoughtfully by the best scientific methods to the fullest development of their natural capacity. This, in the abstract, came home to me very often, but never in the concrete until the year 1887 when, as a director of the Burnham Industrial Farm, the friend of its founder and warmly interested in its welfare, it became my duty to seek a superintendent for that institution. We tried various superintendents, officers and employees. Some were successful in discipline, but had no knowledge of economics; some were economical but not disciplinarians; some were fairly good, all around officers, but consecration of life was conspicuously lacking; some were most devoted and enthusiastic Christians of an evangelical type, but had no training whatever. We searched the country over to find a superintendent that should at once be specially educated and passionately devoted to the work in hand. There were a few such people, but they were all engaged, and their services considered to be of priceless value. To have sought their help, would have been merely to rob one institution to build up another, a thing that is never warrantable under any circumstances.

* Contributed by Mr. William F. Round, New York City.

I had heard of the Brethren of St. John in Germany, the "Inner Mission" of the Rauhe Haus work, as organized and conducted by Dr. Wichern; of its large success and perennial usefulness. I went to Germany and studied it, spending some weeks at the Rauhe Haus and seeking out the members of the Order of St. John who had been trained there, as they were to be found in institutional work. I found them doing splendid work everywhere.

There seemed to be no reason why the effectiveness of such an organization should be confined to Germany. There is no less consecrated young manhood and womanhood in the United States; and I knew there were always earnest men and women seeking a field of usefulness; young college men and women who had no gifts for the ministry and no call to the ministry nor to foreign missions, yet who did not wish to spend their lives in haphazard service, though they felt a desire to get in some special, direct and systematic work for humanity and God. There seemed to have come a time for the organization of a new religious profession, and in 1890 the Order of St. Christopher was organized at the Burnham Industrial Farm, my own private secretary, Mr. J. Morris Fisher, being the first applicant to join the order, and he willingly submitted himself to the rigid period of training and service demanded, choosing rather permanent effectiveness to temporary gain. He relinquished a fair salary and position to take the hardships of the Order of St. Christopher, its long hours of service, its simplicity of life, its entire obedience to rules and rigid conformity to the system. There came afterward, in all, nine others, selected from perhaps one hundred and twenty or one hundred and thirty applicants, who took upon themselves the obligations to spend three and one-half years in training. Of those, five only completed the entire course and were dismissed with an unqualified commendation. One of them died. Of the five who were trained, three were present at the reorganization of the Order of St. Christopher on the eighteenth of November last, at College Point, N. Y. They were Brother Morris, Brother John and Brother James, known now by their own names, respectively, as J. Morris Fisher, superintendent of the House of Refuge at Baltimore; John Blick, superintendent of the poor at Wrentham, Mass., and James Wallace, now rendering important service at the Berkshire Industrial Farm as director of its commissary department.

There were gathered also a few friends who had known the work in the Burnham farm days and who were interested in its further development.

Work was at once begun in a fine old family mansion, with large grounds, where the Berachah Orphanage had been installed and had

done a good work. The removal of its interests to Nyack left the place vacant and the Order of St. Christopher undertook its obligations in caring for six small orphan boys. The new work was immediately begun, a training school for institutional workers, and incidentally as its first work, the establishment of an industrial school for boys who were handicapped by their conditions in life, either by environment, orphanage, or by being restless under the control of incompetent parents. The boys left with the order were installed as a "Lambfold" family and are in charge of Mrs. Mary W. Eggleston, (Sister Mary), a woman who has had large experience in institutional work, but who is about to enter the Order of St. Christopher for further definite service in institutional training.

As its first circular expresses it, the Order of St. Christopher is a work of faith; it looks to God for its support. The recognized need for its organization is the call of God to organize. It presents itself to Christian people throughout the country as their own work, in their own interests and theirs because of their duty in the lofty spirit of philanthropy to furnish the best methods of caring for and treating the wards of society.

The curriculum of the Order of St. Christopher in institutional training will cover a range of economics, dietetics, hygiene, methods of discipline, practical psychology, study of degenerate conditions, simple surgery, such as is indicated by the scheme of "first aid to the injured," nursing, the conditions, possibilities and methods of charity organization. There will be a systematic course with text books, lectures and study of institutions.

Already there have been many applications to join the order, several of them from college men and college women, some of whom already have had experience in the work of University Settlements or work in other institutions. Upon entering there is first a probational term, the length of which is decided by previous service and general fitness and which may either result in the acceptance or rejection of the candidate. There then follows the novitiate period of six months during which the candidate has all the privileges of the Order of St. Christopher, without being permanently and definitely assigned to any special branch of the work and having no part in the administration of affairs. During the novitiate there may be a termination of the relationship either upon the wish of the candidate or upon the will of the director; at the close of the novitiate there begins a term of three years' service for general training with reference to some special department of the work. There is no vow; no other promise than is involved in signing "a declaration of intention" to pursue institution work for life and to remain with the Order of St. Chris-

topher as a full member, brother or sister, during the entire three and one-half years of training; at the expiration of this term a commendation is given either general or for some special kind of institutional work and a full brother or sister becomes a free brother or sister, competent to make terms with any institution wherever their service may be required, with the understanding, however, that the principles of the Order of St. Christopher shall be carried out; or they can remain if they so elect, in full affiliation with the Order of St. Christopher, continuing in any special works it has in hand and under the immediate direction of the order.

The Order of St. Christopher in a circular letter to institutions undertakes to supply officers and employes, either to take full control of the institution under certain conditions of support, or to furnish individual officers and employes for certain special places.

This, in brief, is the aim and purpose of the Order of St. Christopher, in its new development, for which it asks the support and the counsel, and the prayers of all who are interested in uplifting humanity in the name of Jesus Christ and who believe that men and women are better fitted to do His service who have been carefully and specially trained for it.

Tenement House Reform.*—Plans have been matured for an exhibit, by the Tenement House Committee of the Charity Organization Society of New York, to illustrate existing conditions and to point the way for further reforms in tenement house legislation throughout the country.

The condition of the tenement houses in New York has become so serious that this committee purposes to hold this winter in New York, Boston, Chicago, and possibly other cities, an exhibition of all the different phases of the tenement-house problem. There are at present over 44,000 tenement houses in the old city of New York, and new tenement houses are being erected at the rate of about 2,000 a year. These are in many respects worse than the old buildings erected thirty years ago. They are badly constructed and so planned that many rooms depend for their light and air entirely upon long, narrow, dark "airshafts," which instead of giving light and air are merely stagnant wells emitting foul odors and disease.

It is the opinion of those familiar with the condition of tenement house life in that city and of the best authorities in charitable affairs and penology that much of the poverty and crime that is met with in our large cities is due directly to the environment created by the tenement house; that it tends to produce immorality in young boys and girls, that it weakens the physical capacity of the tenants, that it breeds

*Contributed by Mr. Lawrence Vellier, New York City.

sickness and disease, that it makes decent domestic life very difficult, and that much of drunkenness is directly traceable to the inconvenience and unattractiveness of tenement house homes.

In view of these facts it is proposed to stimulate interest in this question by placing before the public in concrete form a clear and comprehensive statement of existing conditions so that intelligent action may be taken to remedy them and to prevent their recurrence.

The exhibition is to include a number of models representing: a block of existing tenements taken from some block in the city; a block of tenements as it would appear if each house were built on the present "dumb bell" plan; a number of blocks of model tenements scientifically planned.

Each of such classes of models to have appended a statement of the percentage of land occupied, clear rentable area, cost of building and land, expenses of operation, rentals, profits, etc.

The exhibition will also include: A comprehensive and exhaustive study of existing model tenements in the different cities of the United States, such study to be illustrated by a series of plans, diagrams, charts, photographs, etc.

These photographs will show the front of the buildings, a view of the courts, and even of the interior, if that can be done, showing the rooms. Then, also, there will be at least three or four plans or drawings of each model tenement, an elevation, a plan of the second floor and floors above, a detail of one set of apartments, possibly a section through, or a plan of the first floor. Where possible, all plans will be drawn to a uniform scale so that each exhibit will stand squarely on its own merits in comparison with the exhibits from other cities. Besides these plans and photographs there will be statements of the percentage of the land occupied, clear rentable floor space, size of rooms, cost of buildings, expenses of operation, rentals, profits and such information about the tenants as can be furnished, *i. e.*, their occupations and incomes, and the general class of people in the building.

In this connection it is proposed to hold a special competition, open to all architects, for an average city block (200x400 feet) of model tenements made up of independent units; the object of such competition being to obtain plans of model units which, while embodying in themselves the advantages of economy of construction, convenience of plan, good light and ventilation, cheerful outlook, and as great as possible a concentration of light and air space, shall, when repeated or combined in block form, secure these advantages in a still higher degree.

There will be a study of existing model tenements in foreign countries, illustrated by a series of plans, diagrams, photographs and tables

of statistics: a study of suburban tenements and working people's cottages, at home and abroad; a study of model lodging houses and hotels for wage-earning men and women; a study of public parks and playgrounds, libraries, baths, cooking schools, laundries, recreation piers, etc.

In making the study of public parks, playgrounds, libraries, baths, laundries, recreation piers, etc., it is planned to develop it as follows: There will be prepared a map, showing the entire park system of the city, also individual maps of each park located in tenement districts, including a radius of two blocks in each direction, making about twenty-two blocks around the park. This map will show how these tenements cover most of the ground space on blocks, and how little air or light is available in the neighborhood, also giving the population in these blocks, differentiating adults and children. Then in contrast with such maps there will be similar maps of similar congested areas, in which there are no public parks. Parks will be located in these congested areas with a statement "park needed here," and with the further statement of the space available for air and light and of the population in this congested district. Similarly the subject of playgrounds will be treated, and in a similar way the subject of neighborhood libraries, public baths and recreation piers will be exhibited.

There will be a study of tenement house conditions showing density of population, death rate, nationality of tenants, their occupations, incomes, expenditures, recreations, pleasures, overcrowding, dangers from fire, health conditions, etc., illustrated by charts, maps, statistics, photographs and reports.

Nationality of tenants will be shown by color maps similar to the methods used in the Hull House maps of this kind. A special investigation of a part of the tenement neighborhood in this city will be made to ascertain facts about occupations, incomes and expenditures, and if it is possible with the limited time at our disposal, a series of color maps illustrating these facts will be made. A health map of the city, showing such tenements as are a source of contagious disease will be made, and a fire map showing where all fires occur during the year. It is also planned to exhibit a map showing those tenement houses which have been a constant source of application for charity for many years, the purpose being to show how closely responsible the tenement house is for most of our poverty and crime.

There will also be a study of tenement house laws and of the work of tenement house investigating committees.

In making this study it is expected to prepare a report of the history

of tenement house reform in New York State since its beginning in 1846. There will also be prepared a comparative chart of the present tenement house laws of those cities in this country which have a tenement house problem.

And finally there will be compiled a bibliography of the tenement house question.

It is proposed to hold coincident with this exhibition a series of conferences and public discussions of the questions involved.

The exhibition will be held in New York City for two weeks, and for one week each in Boston and Chicago, and a part of it will be sent to the Paris Exposition of 1900 as part of the exhibit of this country in the Department of Social Economy.

It is also expected that the exhibition will find a permanent place in New York.

Such an exhibition has never before been held. It will undoubtedly command widespread attention, and ought to have especial interest for persons interested in social and economic problems.

Accidents in Industry in 1897 in Sweden.*—The "*Ekonomisk Tidskrift, Häft.*" 7, 1899, contains an account of the results of some governmental statistics relating to labor accidents.

Preliminarily to a purposed governmental investigation concerning employers' responsibility in case of accident to laborers, it was ordered that a hasty inquiry be made concerning the accidents, etc., of 1897. Formulated questions were sent to employers and to charitable institutions—to the latter regarding aid given in case of accidents.

Information is returned from 8,578 plants or industrial stations (including transport, mining and manufacturing establishments), employing 284,829 persons. The number of laborers in the several industries varies from an average of three in mills and dairies to 260 in sugar works. There were 8,506 cases of accidental injury in 1897; 129 (1.5 per cent) were fatal, 495 (5.8 per cent) were permanent in effect, while 7,882 (92.7 per cent) were of a temporary nature; 3.3 per cent occurred in the case of women.

In the smaller industries the ratio of the injured was 6.49 per 1,000; where there were 200 laborers or more this average rose to 36.58 per 1,000. The highest average of injuries occurred in the dockyards (87.22 per 1,000), and the least in the textile and clothing industries, etc. (3.65 per 1,000). The ratio which accidents to men bear to those to women is 34.01 per 1,000 to 6.55 per 1,000. Of permanent injuries only nine induced complete invalidism, while twenty-two days is the average absence from work due to temporary disablements.

*Contributed by A. G. Keller, Ph. D., Yale University.

Of the whole number of laborers returned 30.4 per cent, or 86,686, were insured against accident; 63.3 per cent at employer's cost, 29.9 per cent at united expense of employer and laborer, and only 6.8 per cent at cost of workman alone. The last figure is probably somewhat misleading, for it is hard for employers to be informed concerning private insurance arrangements. Insured workmen carried an average policy of \$283.77. More workmen were insured in large industries than in small (32.3 per cent vs. 5.6 per cent); the insured were found chiefly in the transport business, in mining, shipbuilding, etc. Of the 198,149 uninsured 95,221 were engaged in work where an aid system of some sort was established.

In 1897, \$112,825 were paid in cases of accident; in 111 cases of death \$903.69 were paid in permanent aid and \$19,063 in isolated payments. For temporary inability to work the disabled workman was paid on the average of forty-one cents per day. Of the \$112,825 given or paid in aid, \$68,578 were paid by insurance companies and only \$109 by charitable institutions. Eighteen cases of death, sixty-eight of permanent and 491 of temporary inability to labor received no aid whatever. Most charitable institutions could make no return of aid extended by them. Other help was given by employers' generosity or from some aid fund; physicians and medicine were frequently provided in the same manner.

Cash aid was given by employers in 22 per cent of the "plants" in question (the largest ones) to the amount of \$293,895; this included \$138,332 for aid funds for sickness, burial, etc., and \$101,154 for regular accident insurance.

BOOKS RECEIVED FROM SEPTEMBER 25 TO NOVEMBER
25, 1899.

- Alhaise, A., *La Rénovation Religieuse Catéchisme Dualiste*. Paris: 1/4.
American National Red Cross Relief Committee Reports, May, 1898, March, 1899.
Putnama. Paper, \$0.75; cloth, \$1.00.
Bacon, R. M., *Historic Pilgrimages in New England*. New York: Silver, Burdette
& Co. \$1.20.
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Baker, Sir S., *First Steps in International Law*. Little, Brown & Co. \$3.50.
Barrington, B. C., *The Magna Charta and Other Great Charters of England*. Phila-
delphia: Wm. J. Campbell. \$3.00.
Brustlein, H. A., *La Religion et la Morale Nécessaires*. Paris: Librairie Fisch-
bacher.
Bullitt, W. G., *Review of the Constitution of the United States*. Cincinnati: Robert
Clarke Co. \$2.00.
Chase, C. H., *Elementary Principles of Economics*. Chicago: Chas. H. Kerr &
Co. \$1.25.
Colby, F. M., *Outlines of General History*. New York: American Book Co. \$1.50.
Cole, T. L., *Bibliography of the Statute Law of the Southern States—Arkansas,
Alabama, Florida*. Washington: Statute Law Book Co.
Cucconi, R., *M. Antonio Flaminio*. Bologna: Ditta Nicola Zanichelli. 5 lire.
Dodge, Grace H., and others, *What Women Can Earn*. New York: Frederick A.
Stokes Co.
Douglas, R. K., *China*. (Story of the Nations Series.) Putnama. \$1.50.
Du Bois, W. E. B., *The Philadelphia Negro*. (University of Pennsylvania Series
in Political Economy and Public Law, No. 14.) Paper, \$2.00; cloth, \$2.50.
Dutton, S. T., *Social Phases of Education in the School and the Home*. Macmillan.
\$1.25.
Eison, H. W., *Side Lights on American History*. Macmillan. \$0.75.
Feria, A. J., *Pauperizing the Rich*, Parts 1 and 2. Philadelphia: T. S. Leach &
Co. \$0.75.
Fiske, J., *The Dutch and Quaker Colonies in America*. (2 vols.) Houghton,
Mifflin & Co. \$4.00.
Foote, A. R., *Municipal Public Service Industries*. Chicago: Other Side Publish-
ing Co. \$1.00.
Gould, J. M., and Savary, E. H., *The War Revenue Law of 1898 Explained*. Little,
Brown & Co. \$1.25.
Griffin, W. E., *America in the East*. New York: A. S. Barnes & Co. \$1.50.
Hart, A. B., *Source-Book of American History*. Macmillan. \$0.60.
Holand, R. L., *Natural Law and Legal Practice*. New York: Benziger Bros. \$1.25.
Holland, F. M., *Liberty in the Nineteenth Century*. Putnama. \$1.75.
Howe, D. W., *The Puritan Republic of the Massachusetts Bay in New England*.
Indianapolis: Bowen, Merrill Co. \$3.50.
Hyslop, J. H., *Syllabus of Psychology*. (Columbia University Contributions to
Philosophy, Psychology and Education, Vol. III, 2.) \$1.00.
Ireland, A., *Tropical Colonisation*. Macmillan. \$2.00.
Jordan, D. S., and Stallard, J. H., *The True Basis of Economics*. New York:
Doubleday & McClure Co. \$0.50.

- von Kraus, V. F., *Die Wirtschafts- und Verwaltungspolitik des aufgeklärten Absolutismus im Gmündner Salzkammergut*. (Wiener Staatswissenschaftliche Studien.) Erster Band Viertes Heft. Freiburg: J. C. B. Mohr.
- Krausse, A., *Russia in Asia*. Henry Holt & Co. \$4.00.
- Langstroth, C. S., and Stilitz, W., *Railway Co-operation*. (University of Pennsylvania Series in Political Economy and Public Law, No. 15. Paper, \$1.00; boards, \$1.50.
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- Leonard, J. W., Edited by, *Who's Who in America*. Chicago: A. N. Marquis & Co. \$2.75.
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- Mayo-Smith, R., *Statistics and Economics*. (Science of Statistics, Part II.) Macmillan. \$3.00.
- Morelli, A., *La Prima Cattedra di Diritto Costituzionale*. Modena: Presso la Direzione dell' Archivio Giuridico. 3 lire.
- Morelli, A., *Che Cosa Sono le Libertà Civili?* Modena: Presso la Direzione 'dell' Archivio Giuridico. 2 lire.
- Nys, E., *Researches in the History of Economics*. London: Adam & Charles Black. (Wanamaker's.)
- Peterman, A. L., *Elements of Civil Government*. New York: American Book Co. \$0.60.
- de Rousiers, P., *La Vie Américaine*. Paris: Firmin-Didot et Cie.
- Rowntree, J., and Shewell, A., *The Temperance Problem and Social Reform*. (Fifth Edition.) London: Hodder & Stoughton.
- Sanborn, J. B., *Congressional Grants of Land in Aid of Railways*. (Bulletin of University of Wisconsin, No. 30, Economics, Political Science and History Series, Vol. 2, No. 3.) \$0.50.
- Scotland, *Official Directory of the Chartered Accountants of*. Edinburgh: Wm. Blackwood & Sons.
- Seignobos, C., *A Political History of Europe since 1814*. Translated by S. M. Macvane. Henry Holt & Co. \$3.00.
- Sharpless, L., *A History of Quaker Government in Pennsylvania*. Vol. II—*The Quakers in the Revolution*. Philadelphia: T. S. Leach & Co. \$1.50.
- Smith, G., *The United Kingdom*. (2 Vols.) Macmillan. \$4.00.
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- Stuart, W., *The Distribution of Income*. Macmillan. \$1.60.
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- Tarde, G., *Social Laws*. Macmillan. \$1.25.
- Trefz, F., *Das Wirtsgewerbe in München*. (Münchener Volkswirtschaftliche Studien XXXIII.) Stuttgart: J. G. Cotta.
- Vall, C. H., *Principles of Scientific Socialism*. New York: Commonwealth Co. Paper, \$0.35; cloth, \$1.00.
- Walker, F. A., *Discussions in Economics and Statistics*. Edited by Davis R. Dewey. (2 Vols.) Henry Holt & Co. \$6.00.
- Wallace, D. D., *Constitutional History of South Carolina, from 1725 to 1775*. Abbeville, S. C.: Hugh Wilson.
- Watson, D. K., *History of American Coinage*. Second Edition. Putnams. \$1.50.

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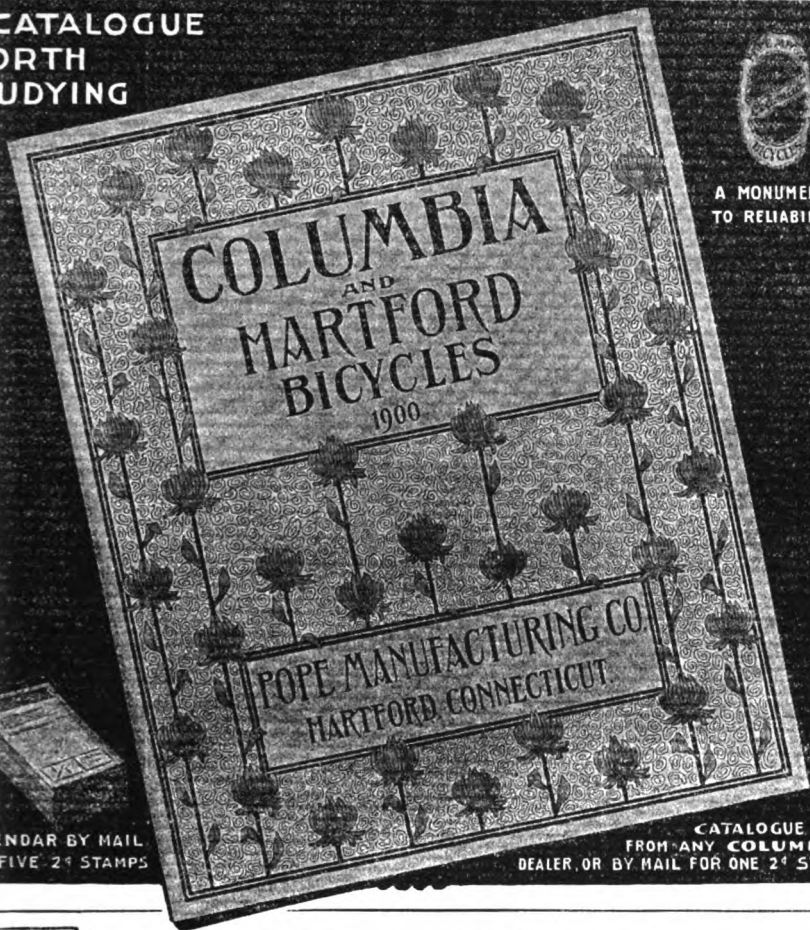
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ANNALS
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POLITICAL EVOLUTION AND CIVIL SERVICE
REFORM.

It will be remembered that the direct improvement of the civil service was but the lesser part of the benefits expected from civil service reform. When the Act of 1883 was passed it was believed, and with good reason, that the operation of the law would set up such tendencies toward improvement in the character of our politics that its beneficial results would be felt throughout the whole frame of government. The result has been a bitter disappointment. Instead of an increase of moderation, order, judgment and control in the management of public affairs, concurrently with the extension of civil service reform, there was an increase of passion and recklessness. Tariff legislation has been more frequent and radical than during any other period of our history, and public interest in the subject has abated more through fears of the process than from satisfaction with what has been done. A scheme for compelling the treasury to purchase the output of the silver mines shook the national credit and brought on a financial panic. Meanwhile Congress appeared to have become a mere tool in the hands of interests banded together to raid the national treasury, so that neither national needs

nor treasury deficits and impending bankruptcy, could check projects of expenditure or induce provision of revenue to meet them. The increase in the bonded indebtedness which took place is largely attributable to this cause. In the period from 1883 to 1898, inclusive, the expenditures, leaving out of account the interest on the public debt and the cost of the army and navy, increased from \$142,053,186 to \$341,655,884. That is to say, the expenditures have increased 140 per cent while the population has increased 37 per cent.¹

While such has been the character of national legislation, the tone has been equally extraordinary. The Senate descended to inconceivable depths of degradation during the struggle over the repeal of the silver purchase law. The House of Representatives has behaved with greater decency, but the fact has been plain that this has not been due to any improvement of its natural inclinations, but to arrangements made for suppressing them, through the development of absolute powers in the speakership. At the same time certain remarkable manifestations of deep changes in the character of our politics appeared. Their tendencies became distinctly retrogressive, sinking them to a lower level and inflaming their worst propensities. Factional animosity reached such a furious pitch that it burst the bonds of party organization, and the unprecedented spectacle was displayed of a national convention hooting the name of a president elected by the party which it claimed to represent. A still graver portent than all these things was the appearance of a strange distemper of public sentiment. The party enthusiasm which is the ordinary mood of the masses of the people gave way in large measure to ill humor with the constitution itself. Revolutionary programs of political action commanded an alarmingly large

¹ The figures are obtained from the Statistical Abstract published by the Treasury Department. Had the expenditures of the Army and Navy departments been included, the percentage of increase would have been greater.

following. The very foundations of social order were shaken and the state of the times occasioned deep anxiety among all thinking men. So that, at the close of a period marked by a rapid extension of civil service reform, the dominant mood among those who reflect upon the course of events is certainly not one of exultation. On the contrary, public attention is challenged by remarkable expressions of pessimism in regard to the republic, its people and its institutions. One may detect the flow of a current of scepticism as to whether the progress of the nation has true moral worth. A feeling of despondency as regards the future of popular government is discernible, expressing itself in a scornful, supercilious and malignant tone of criticism upon public affairs, or in an attitude of contemptuous aversion for our politics.

How are we to account for such a strange set of phenomena? The laws which govern the activities of politics are too abstruse to be easily discoverable. Even such a fundamental fact of modern politics as government by party has yet to be elucidated, and we are just beginning to appreciate the fact that party is a principle of social regimentation, akin to those instinctive processes of thought and feeling by which authority is produced and governmental functions created in social aggregates, prior to the beginnings of national consciousness and of political development. It has been said that man can not concurrently produce a new social order and trace out the laws by which it is governed, and that this is true all history attests. A century or so must elapse before the type of government which America is working out can be appreciated and the formative process be fully revealed. But applying to the problem before us the empirical methods which are all that are now open to our use, a sequence of causation may be traced that will enable us to arrive at some understanding of the events of the period.

It is impossible, I think, to avoid the conviction that

there is a connection between civil service reform and some of the most alarming phenomena of our politics during the past ten years. This connection most plainly appears in the course taken by financial agitation. It is the rule of our politics that when the party in power is forced to meet new issues, the position it takes is occupied for it by executive policy, and executive influence is the factor by which the adjustment of party interests to the new conditions is accomplished. When the Democratic party was confronted by the silver issue, it seemed that events would take their usual course. The historical connection of the Democratic party with the establishment of the gold standard, and the fact that the free silver propaganda was at first almost wholly a Republican party interest, indicated the direction of the policy of the Democratic administration and smoothed the way. The conditions were such that it might have been supposed that President Cleveland would have been as successful in determining party policy as was President Grant in the case of the greenback movement, and with less difficulty. For several years the course of events tended that way. On June 5, 1890, 102 Democrats in the House voted in favor of Bland's free coinage bill and only 13 against it. On March 24, 1892, 81 Democrats voted against the same bill. On July 13, 1892, when Mr. Bland asked for an order to take up the free coinage bill which had passed the Senate, there were 94 Democrats against it. On August 28, 1893, there was an actual majority of Democrats against free coinage, 114 voting against Bland's motion to 100 for it. During the struggle in the Senate over the passage of the bill repealing the silver purchase law, the power and influence of the presidential office were exerted in ways that were decisive. But as the fact was developed that the president was prepared to suffer the loss of party connection rather than surrender his individual convictions in regard to civil service reform, the situation changed completely. The free silver faction won a sweeping

victory and captured the Democratic party organization. The connection between the civil service reform policy of the president and the violent recrudescence of free silver sentiment in the Democratic party was too plain to be overlooked. The *New York Evening Post* in its issue of July 16, 1896, justly remarked:

"The historian who shall look carefully into the causes of the free silver movement in the United States in the year 1896 will find that one of its most potent elements was the jealousy and hatred of the Democratic leaders for President Cleveland. . . . It began back in his first term when he refused to consider that one of his chief duties as a Democratic president was to satisfy Democratic hunger for office."

It is melancholy to reflect that a measure expressly designed to elevate the tone of our politics should have reacted so disastrously upon them, but I think that this was only the natural result of the methods adopted in the extension of civil service reform. The constitutional method for the propagation of reform is by the education of public sentiment so as to influence the constitutional agencies of public opinion, and in this way any progress that may be effected is adjusted to political conditions. The attitude of a wise statesman was that assumed by President Grant. He was sincerely attached to the cause of civil service reform, but he always insisted that such a reform to be beneficial "must have the acquiescence of Congress as well as of the executive." For five years he urged the subject upon the consideration of Congress in his messages. Finally, in his annual message of December 7, 1874, he stated his position as follows:

"The rules adopted to improve the civil service of the government have been adhered to as closely as has been practicable with the opposition with which they met. The effect, I believe, has been beneficial upon the whole, and has tended to the elevation of the service. But it is

impracticable to maintain them without direct and positive support of Congress. Generally, the support which this reform receives is from those who give it their support only to find fault when the rules are apparently departed from. Removals from office without preferring charges against parties removed are frequently cited as departures from the rules adopted, and the retention of those against whom charges are made by irresponsible parties and without good grounds is also often condemned as a violation of them. Under these circumstances, therefore, I announce that if Congress adjourns without positive legislation on the subject of civil service reform, I will regard such action as a disapproval of the system, and will abandon it, except so far as to require examinations for certain appointees to determine their fitness. Competitive examinations will be abandoned altogether."

President Grant's action in abandoning an experiment which public opinion did not sustain through the constitutional agencies of its operation, was an acute disappointment to reformers, but looking back upon it with the advantage of a broader view of the whole state of our politics, we are able to see that by not breaking with his party he was able to accomplish great public benefits. The defeat of the greenback movement, the passage of the act for the resumption of specie payments, and the defeat of the Equalization of Bounties bill, were among the fruits of that policy just as much as was the reluctant abandonment of civil service reform.

The principle laid down by President Grant, that reform can be safely prosecuted no faster and no further than public sentiment sustains it and obtains political support for it, was carefully observed in the reform of the English civil service. The dependence of English government upon parliamentary support for its position is such that the maintenance of any course of public policy implies parliamentary acquiescence. In the case of civil service reform, it is

evident that special care was taken to keep in touch with public opinion as reflected in the attitude of parliament. The facts, as set forth in Mr. Eaton's work on "Civil Service in Great Britain," show that the reform was introduced by an Order in Council, but in deference to the state of parliamentary sentiment, "it was provided that the rules in each department were to be accommodated to the views of its head and the power of nominating and appointing, as then existing (but subject to the examinations), was not to be taken away by the rules." Mr. Eaton remarks that "it was really limited and not open examination that was at first introduced, and mainly a competition, perhaps, between those of the same party." The reasons which Mr. Eaton gives for the cautious and tentative measures preferred by the English reformers are well worth considering. He says (pp. 206, 207): "Their long experience had convinced them that all expectations of suddenly changing the character and tone of the sixty or more thousand persons who make up the civil service of Great Britain—a character and tone which were the growth of generations—are utterly chimerical. They felt that even the attempt to accomplish at once the full reform that was desired, would recoil upon them with disastrous effect. . . . Wise methods steadily and faithfully applied, which educate public opinion at the same time that they close the fountains of mischief, and not sweeping, revolutionary proceedings, which assume that the moral tone of a nation's politics can be changed by an assault or an exhortation, were in the opinion of the British public, the essential conditions of all administrative reform."

The first instalment of reform—which put appointments to the civil service on much the same basis as appointments to our Naval Academy or West Point—was introduced by the Order in Council of May, 1855. So successful were the reformers in working up public sentiment in favor of the new system that on April 24, 1856, the House of Commons

adopted a resolution approving the extension of the system. In 1860, the operation of the system was made the subject of a parliamentary inquiry through a committee of distinguished statesmen. This committee, while holding that the limited competition then existing did not produce as good results as might be obtained from open competition, said in their report: "In not advising open competition at once, as the only entrance to the public service, they are influenced by prudential reasons. They fear a recoil of public opinion, if too great changes are made hastily. In the interest of open competition itself, they advise a cautious advance toward its introduction." Not until 1870, did the government feel sufficiently sure of public support to abolish nomination and limited competition, and substitute open competition in their place. In 1874, another investigation took place, this time not under parliamentary orders, but by the action of the executive. That investigation showed that the system had been made too rigid in providing that the one who stood highest in the competition should have the first vacancy. Mr. Eaton remarks: "This was an inconvenient restriction needlessly imposed, and was not involved in the principle of competition. In some cases it too much curtailed a salutary liberty of choice." The process of bringing civil service reform in England to its permanent status covered nineteen years, but while progress was gradual it was sure. We are now finding out that "too swift arrives as tardy as too slow."

The beginnings of civil service reform in this country were as cautious as in England. The author of the Act of 1883 and its advocates were careful to give assurances that the measure was not intended to be sweeping in its operations. Senator Pendleton, who presented the bill, said that "it only applied to employes in the departments at Washington, and large offices employing over fifty clerks—not over ten thousand employes all told." In his report on the bill, he said: "This bill does not touch the question of

tenure of office or removals from office, except that removals shall not be made for refusing to pay political assessments or to perform partisan services. It leaves both where it finds them." These assurances turned out to have been misleading. Since obtaining the grant of authority conferred by the act, reformers have acted as if further caution were needless and as if all that remained to be done was to instigate the President to use the executive authority unflinchingly in extending the scope of the reform. So little averse were they to "sweeping, revolutionary proceedings," such as the English reformers deprecated, that their influence procured the executive order of May 6, 1896, which swept into the classified service over thirty thousand positions, with such disregard of practical considerations, that it became necessary to begin to make exceptions almost immediately, in order to keep the necessary machinery of government from being thrown out of gear. In England, the successive stages of civil service reform were carefully prepared and were connected with the development of parliamentary support. In this country, it is notorious that in the extension of the reform, the sentiment of the legislative branch was not conciliated, but defied. In his message of December 4, 1893, the President went so far as to tell Congress: "The law embodying this reform found its way to the statute book more from fear of the popular sentiment existing in its favor than from any love for the reform on the part of legislators, and it has lived and grown and flourished in spite of the covert as well as open hostility of spoilsmen. . . ." This admission that the extension of civil service reform has been an imposition upon our politics instead of being a gradual outgrowth from them, explains the superficial character of its effect and the dangerous reactions it has excited.

From mischiefs of such origin as I have indicated, American politics, like English politics, are ordinarily protected by their dependence upon the activities of public

sentiment for their supplies of force. But in matters falling within the compass of executive powers, it is possible for a president to pursue an individual policy regardless of consequences. This involves a risk to constitutional government, against which the high character and sincere patriotism of our presidents do not afford complete security, for the risk lies on the side of mistaken views of duty adopted under the influence of false but plausible theories of civic virtue. A theory of this kind has been framed and vigorously promulgated in connection with the extension of civil service reform. As originally conceived, the government rested upon a basis of prerogative, the general care and management of it being the duty of the president. "Our President," said Gouverneur Morris, when the office was being discussed in the constitutional convention, "will be the British Minister," and later on he remarked that in England "the Minister" was now "the real king." It was with this in mind that, during the first session of the Senate, Ellsworth of Connecticut, who had been a member of the constitutional convention, argued that in the form of legislation the president should be mentioned as a party to the enactment, because of "the conspicuous part he would act in the field of legislation, as all laws must pass in review before him and were subject to his revision and correction." It is evident that the Fathers had in mind the old-fashioned English king, who himself conducted his administration, before the days of ministerial domination based upon parliamentary interest. This ideal—which was never fully attained in practice, although Jefferson came pretty close to it in his first administration—was obscured by the growth of the system of choosing presidential electors by popular election, and was definitely overthrown by the election of Jackson and the establishment of the party convention system. Concurrently with this process of constitutional development, an appropriate conception of the presidential office took shape. According to it, presidential

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duty was subject to party obligation, so that the power and patronage of the president were to be regarded as a party trust, to be exercised for public ends, as seen and approved by party sentiment, under his instruction and advice. This is the theory which until the era of civil service reform governed the action of our presidents. It produced its ideal type of president in Abraham Lincoln. Whatever may be the defects and disadvantages of this theory, it is a necessary phase of political development, for it rests upon the incontestible fact that under existing political conditions party mediation supplies administrative connection between the executive and legislative branches of the government, and furnishes public opinion with an organ of control which although imperfect is certainly better than none at all.

This theory of presidential duty is quite acceptable to the mass of the people. Indeed, it is the only one which they entertain. The complications of our constitutional scheme are but hazily perceived by the people. Their disposition is to resolve all difficulties by the one solution that if we elect a good president he will see that things go as they should. But this theory was not acceptable to impatient reformers because it tended to restrict the advance of civil service reform by conditioning it upon the extent to which party sentiment could be impressed in its favor. This restraint was avoided—and at the same time the factor of safety was eliminated—by the doctrine that the highest duty of a president was to assert and maintain his independence of party connection when that conflicted with his individual convictions of duty. This doctrine assumed that legislative concurrence ought to attend an administration conducted upon such principles, but it was held that if such concurrence did not follow it was not the fault of the president, but of our politics, and the consequences, however deplorable, were in no respect chargeable to him. He had done his duty and was not to be blamed if Congress did not do its duty.

This doctrine finds no basis except upon the theory that upon Congress rests the whole responsibility for the character of legislation, the responsibility of the president being confined to the exercise of the veto power, the faithful execution of the laws, and the maintenance of good discipline in the public service. This theory is contradicted by all the facts of our constitutional history. The conversion of the presidency into the headship of a bureaucracy, with only a hortative relation to Congress, has subverted the constitutional basis of the government, and has given an irregular operation to the play of political force, with the pernicious results which the nation has experienced. In the language which Burke applied to a similar situation: "This is the fountain of all those bitter waters of which, through an hundred different conduits, we have drunk until we are ready to burst."

It is not until we take into consideration the effect of this theory in modifying conceptions of the responsibility of the presidential office, that we are able to account for the renunciation of presidential initiative and control in details of legislation, that is such a marked feature of the middle of the period under review. Senator Sherman in his *Memoirs* attributes the passage of the Silver Purchase Act of 1890 to the inaction of the president. He says: "A large majority of the Senate favored free silver; and it was feared that the small majority against it in the other house might yield and agree to it. The silence of the president in the matter gave rise to an apprehension that if a free silver bill should pass both houses, he would not feel at liberty to veto it. Some action had to be taken to prevent a return to free silver coinage, and the measure evolved was the best obtainable." Such ignorance on the part of the chairman of the finance committee, of the policy of a president elected by his own party, on such a vital issue, is an event without precedent in our constitutional history, and when such a presidential attitude is

contrasted with former ideals of presidential duty and responsibility, it is apparent that a great change had taken place in the functions of the presidency. Another striking instance of this fact is presented by the passage of the Disability Pension Act of March 4, 1890. A bill of that title passed by the Fiftieth Congress was vetoed by President Cleveland, and his action was condemned by the platform upon which his successor was elected. But the bill as it finally became law was a different measure. The vetoed bill according to the chairman of the committee which framed and reported it, provided for "but one pension, and that pension is one of \$12.00 a month and is given for a total inability to procure a subsistence by daily labor." The committee estimated that the number of beneficiaries could not exceed 100,000 nor the annual cost \$12,000,000. In the bill as finally passed, widows and minors were included among its beneficiaries, partial as well as complete disability, from any cause, to earn a support by manual labor, was prescribed as the condition upon which the pension was granted, and so a measure proposed as a means of keeping destitute veterans out of the almshouse was made the means of giving pensions to men earning large incomes by other than manual labor. Instead of 100,000 beneficiaries, the number on June 30, 1898, was 539,638; and the expenditure instead of being \$12,000,000, exceeded \$66,000,000 in 1897. I do not see how a president inspired by the sense of responsibility under which President Grant acted, could have failed to exert himself to confine the measure to its original proportions, or, if he could not do that, to interpose his veto, as President Grant did in the case of the Equalization of Bounties bill.

The conclusion to which these considerations lead is that the period under review is one of public malady due to aberrations from the normal course of our politics. In its general character the period is analogous to that which took place in English politics when an attempt was made to

disregard party and found administration upon abstract principles of right. The theory of presidential responsibility to which I have referred, which prescribes purity of conduct as its complete boundary of duty, is the Tory doctrine which was advocated by Bolingbroke and which was subjected to destructive analysis by Burke in his "Thoughts on the Cause of the Present Discontents." Some of Burke's remarks upon the consequences read as if they had been written with an eye upon the situation in this country. What could be more apposite than this?

"When the people conceive that laws and tribunals, and even popular assemblies, are perverted from the ends of their institution, they find in those names of degenerated establishments only new motives to discontent. . . . A sullen gloom and furious disorder prevail by fits. . . . A species of men to whom a state of order would become a sentence of obscurity are nourished into a dangerous magnitude by the heat of intestine disturbances; and it is no wonder that by a sort of sinister piety, they cherish in their turn, the disorders which are the parents of all their consequence. Superficial observers consider such persons as the cause of the public uneasiness, when in truth they are nothing more than the effect of it."

At such junctures the special measures or the particular candidacies which the people may support, are merely incidental. Criticism upon them, however true and forcible, is beside the mark. What the people really demand, prompted by a political instinct which does not deceive them, is efficient leadership, and they model their opinions to suit the emergencies of the situation. A people of the same stock with those who seized the leadership of even so worthless a demagogue as John Wilkes, to overthrow the same principles of government as those which have been imposed upon American politics, are not likely to trouble themselves much about base metal in any instrument they may find convenient for their purpose.

There is no system of physic for constitutional distempers; the cure must come from hygienic processes. Such processes are at work; unmistakable indications appear of a return to normal politics. Party discipline is being restored and public control over the agencies of government is being asserted. Presidential initiative is resuming its proper place in our political system, under the compulsion of necessities which can not be evaded or disclaimed and which demand the full exercise of the power and influence of the presidential office in the direction and management of the public business. The new responsibilities which have devolved upon the nation, however they may be treated and whatever their results may be, will certainly augment this constraint of necessity which has been the cause of every advance in constitutional development, beginning with the adoption of the constitution itself, and such a powerful stimulus to effort can hardly fail to promote the formation of a settled type of government and the harmonious adaptation of its functions to the national character.

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POLITICAL AND MUNICIPAL LEGISLATION IN 1899.¹

During 1899 forty states have held regular² and five extra sessions. Only six states have annual sessions, and most states having biennial sessions hold them in odd years, so that usually about three times as many acts are passed in odd as in even years. The *Annual Comparative Summary and Index of State Legislation* for 1899, issued by the New York State Library, contains references to 5,094 acts. These include acts of a general and permanent character only. Bearing in mind that the private, local and temporary acts in many states far exceed in number the general and permanent, we are able to appreciate somewhat vaguely the enormous output of state legislation. Increased legislation may be a sign of strength or weakness. Frequent changes in general laws may arise from the attempt to keep them adjusted to the ever increasing complexity of society, from ability to invent improved methods of regulation, or from capacity to adopt quickly the improved methods of other states. On the other hand, frequent changes in general laws or a large number of private and local laws may be due to the attempt of the legislature to perform administrative and judicial functions or to its incapacity to protect the public interest from private intrigue. The great hindrance to well considered, progressive legislation is that the time of legislators is so taken up with petty local or special measures that few of them have time to develop improved methods of regulation, to consider important measures proposed, or even to inform

¹ Previous papers in this series will be found in the *ANNALS* for May, 1896, Vol. vii, p. 411; March, 1897, Vol. ix, p. 231; March, 1898, Vol. xi, p. 174, and March, 1899, Vol. xiii, p. 212. Reference to these will help in understanding some of the enactments here described.

² The Vermont session held during the last quarter of 1898 is also included in the present review.

themselves as to what an intelligent public opinion is demanding in the way of reform. Nevertheless one cannot review the legislation of the past few years, or even of a single year, without feeling that substantial progress is being made.

Legislature.—An adaptation of the British method of dealing with private and local bills would be an important step in the direction of better legislation. The need of some check is generally recognized. A few states require the publication of the intention to petition for certain classes of special bills before the opening of the session. Vermont, which has required publication of petitions for certain classes of local bills for three weeks in a newspaper of the county to which the bill applies, at least three weeks previous to the session of the legislature, has now added to the list requiring such publication that most fruitful source of special legislation, the amendment of city and village charters.¹

Seldom if ever has a state court rendered a decision so sweeping in its effects as that of the Idaho supreme court in 1897, which by implication rendered void all but a few of the laws passed at the four previous sessions of the legislature.² The legislature of 1899 has therefore had the task of re-enacting most of the acts passed since Idaho became a state. The court decided that the provisions of the constitution requiring three several readings, the printing of bills and an aye and no vote are mandatory, and that the court may go back of the enrolled bill to see if the journals show that these requirements have been complied with.

Wisconsin has attempted the difficult task of securing publicity in regard to lobbying. A public register is to be kept containing the names of all lobbyists, the various bills to oppose or promote which they are employed, and the names of the individuals or corporations by whom they are

¹ Vermont Laws, 1898, ch. 6.

² Cohn v. Kingsley, 49, p. 985.

employed. Lobbyists are classified as legislative counsel before committees and legislative agents. Within thirty days after the adjournment of the legislature, persons or corporations employing lobbyists must make a detailed statement of expenditures to the secretary of state.¹

The resolution for submitting the question of biennial sessions to the people proposed by the New York Legislature of 1898 failed of reoption in the legislature of 1899.² Only six states, Massachusetts, Rhode Island, New York, New Jersey, Georgia and South Carolina, still have annual sessions, but these states stick to the plan with great persistency. The advantage of the annual session is that it strengthens government at one of its weakest points—rigidity or inadaptability to rapidly changing conditions. The annual session renders possible a closer adjustment of the statute to the actual conditions which it attempts to regulate, and a closer approximation to the ever advancing standards of public opinion.

Direct Legislation.—South Dakota has enacted the legislation necessary to carry into effect the constitutional amendment adopted in November, 1898, providing for the initiative and referendum in state and municipal legislation.³ Oregon has referred to the legislature of 1901 an amendment providing for the initiative and referendum, on petition of 8 per cent and 5 per cent of the voters respectively.⁴ In 1897 Nebraska provided for the initiative and referendum in all local civil divisions, on petition of 15 per cent of the voters, and during the present year Tennessee has provided for the submission of all franchises to popular vote in cities of 36,000,⁵ and Indiana that the referendum may be demanded by 40 per cent of the voters in incorporated towns within thirty days after the passage of any

¹ Wisconsin Laws, 1899, ch. 243.

² New York Laws, 1898, p. 1549.

³ South Dakota Laws, 1899, ch. 93 and 94.

⁴ Oregon Laws, 1899, p. 1129.

⁵ Tennessee Laws, 1899, ch. 204.

ordinance to purchase a water or light plant, or to grant any franchise.¹ The movement for direct legislation is progressing rapidly, and the South Dakota and Nebraska experiments will be watched with interest.

Uniform Legislation.—With the ever expanding circle of social and industrial relations, the need of more uniform regulations is being felt. The railroad, the telegraph and the telephone have created a community of interest which in many things is no longer bounded by state lines, but has become national, or even world wide. The corporation problem, for example, cannot be dealt with satisfactorily by each state acting separately, but must be solved by interstate agreement or national legislation.

In 1890 New York created a uniform legislation commission, and at present similar commissions exist in thirty-one states and territories. In 1896 the national conference of state commissioners on uniform legislation recommended for adoption by the various states *a general act relating to negotiable instruments*. This act was adopted by New York,² Connecticut,³ Florida⁴ and Colorado⁵ in 1897, by Virginia,⁶ Maryland⁷ and Massachusetts⁸ in 1898, and by North Carolina,⁹ North Dakota,¹⁰ Oregon,¹¹ Rhode Island,¹² Tennessee,¹³ Utah,¹⁴ Washington¹⁵ and Wisconsin¹⁶ in 1899. It has also been adopted during 1899 by the United States Congress for the District of Columbia. The 1899 conference

¹ Indiana Laws, 1899, ch. 131.

² New York Laws, 1897.

³ Connecticut Laws, 1897.

⁴ Florida Laws, 1897.

⁵ Colorado Laws, 1897.

⁶ Virginia Laws, 1898.

⁷ Maryland Laws, 1898.

⁸ Massachusetts Laws, 1898.

⁹ North Carolina Laws, 1899, ch. 733.

¹⁰ North Dakota Laws, 1899, ch. 113.

¹¹ Oregon Laws, 1899, p. 18.

¹² Rhode Island Laws, 1899, ch. 674.

¹³ Tennessee Laws, 1899, ch. 94.

¹⁴ Utah Laws, 1899, ch. 83.

¹⁵ Washington Laws, 1899, ch. 149.

¹⁶ Wisconsin Laws, 1899, ch. 356.

considered drafts of proposed uniform divorce laws, but deferred final action until 1900.

Suffrage.—The ingenious device adopted by Louisiana in 1898 to disfranchise the illiterate negro without at the same time disfranchising the illiterate white, and still keep within the letter of the fifteenth amendment providing that the right to vote shall not be denied "on account of race, color or previous condition of servitude," has during the present year been submitted to popular vote in August, 1900, by the legislature of North Carolina.¹ The details of the North Carolina amendment differ somewhat from the Louisiana law. The Louisiana law provides an alternative educational or property and a poll tax qualification; the North Carolina proposal, the ability to read and write a section of the constitution, and the payment of a poll tax. But the educational qualification does not apply to any person entitled to vote in any state prior to January 1, 1867, or to a lineal descendant of such a person, provided he registers before November 1, 1908; the Louisiana law provided for registration previous to September 1, 1898. Mississippi adopted an educational qualification in 1890, which went into effect January 1, 1892, and the South Carolina convention of 1895 adopted an alternative educational or property qualification, which went into effect January 1, 1898. Florida, Georgia and Alabama are the only states remaining in the black belt of the South that have not taken steps to restrict the franchise. The Alabama Legislature of this year provided for submitting to popular vote the question of holding a constitutional convention, with a view to restricting the franchise, but serious opposition having developed to the holding of a convention, the governor called an extra session, and the act submitting the question was repealed. The opinion was expressed that a general revision of the constitution was undesirable and that restriction of the franchise should be secured

¹ North Carolina Laws, 1899, ch. 218.

through special amendment. The question of adopting an amendment similar to that of Louisiana and North Carolina came up in the Georgia Legislature at its session held during the last quarter of 1899, but the proposition met a decisive defeat.

Oregon will vote on a woman suffrage amendment in June, 1900.¹ Woman suffrage now exists in Wyoming, Idaho, Utah and Colorado.

Primaries.—The movement for public control of primary elections has made considerable progress during the present year. California, whose primary law of 1897 was declared unconstitutional on account of the provision prescribing the qualifications for voting,² has submitted to vote in 1900 a constitutional amendment to obviate this difficulty,³ and has adopted a new primary law in some respects more advanced than the 1897 law.⁴ It provides that primary elections shall be conducted by officers appointed by the local election commissioners, and shall be held at the same time and place for all parties casting 3 per cent of the vote. An official ballot, with party columns and blank spaces to be filled in with names of delegates preferred, is to be provided. The expenses of the primary are a public charge. Minnesota has provided that all nominees in counties of 200,000 shall be chosen at an election conducted by the regular election officers.⁵ Any person presenting a petition signed by 5 per cent of the voters may have his name placed on the official ballot. Nebraska has adopted an act providing that the Australian system of balloting shall be used, that primary officers shall be chosen by the party committees, and that the expense of the primary shall be borne by the party.⁶ In 1898 Illinois passed a primary law applying

¹ Oregon Laws, 1899, pp. 143 and 1123.

² *Spier v. Baker*, 52, p. 659.

³ California Laws, 1899, joint resolution, 35.

⁴ California Laws, 1899, ch. 32, 46, 48 and 52.

⁵ Minnesota Laws, 1899, ch. 349.

⁶ Nebraska Laws, 1899, ch. 27.

to counties of 125,000 and all others voting to adopt it.¹ This law has been amended by a law optional in counties under 125,000. The old law provided that in each primary district each party should choose from the list of regular election officers three judges and two clerks, members of the party choosing them, to conduct the primary election. The new law simply provides that the judges and clerks shall be designated by the party. Any legal voter may have his name placed on the official ballot for nomination to office. North Dakota,² Rhode Island,³ Tennessee,⁴ Utah⁵ and Wisconsin⁶ have also passed more or less general primary laws, but none of them, with the exception of the Rhode Island law, which applies to Providence and Pawtucket only, show much progress in the direction of public control.

Elections.—State control of elections through a state board elected by the legislature, which has during the past year caused much dissatisfaction and bitterness in Kentucky, has been adopted by North Carolina.⁷ This law creates a state board of elections consisting of seven members elected biennially by the general assembly. The state board appoints and has power to remove county boards of three members, who in turn appoint and may remove the registration and election officers. The two judges of election for each precinct must be of different political parties. The general election day has been changed from November to August, and the first election under the new law will be held on the first Thursday in August, 1900, when the constitutional amendment restricting the franchise will also be voted on.

¹ Illinois Laws, 1899, p. 211.

² North Dakota Laws, 1899, ch. 38.

³ Rhode Island Laws, 1899, ch. 662 and 709.

⁴ Tennessee Laws, 1899, ch. 407.

⁵ Utah Laws, 1899, ch. 79.

⁶ Wisconsin Laws, 1899, ch. 341 and 351.

⁷ North Carolina Laws, 1899, ch. 507.

Indiana,¹ Minnesota² and Nebraska³ have authorized the use of voting machines, and New York⁴ has revised its laws on the subject.

Corrupt Practices.—The first general corrupt practices act of a modern character was passed by New York in 1890. At present laws of this kind exist in sixteen states. During 1899 Nevada⁵ has repealed its corrupt practice act of 1895, and Nebraska⁶ has been added to the list of states having general laws of this character. The act applies both to nominations and elections and to candidates and political committees. The expenditures of the candidate may not exceed \$100 for 5,000 voters; from this number the limit of expenditure increases to \$650 for 50,000 or more voters.

Civil Service.—The merit system has made important progress in New York, the first state to adopt it, and has more than recovered the setback given it in 1897 by the Black law, which was planned to "take the starch out" of the system. The 1897 law provided for both a "merit" and a "fitness" examination. The latter was conducted by the appointing officer, and furnished the loophole for a practical revival of the spoils system. Under the new law the fitness examination is abolished.⁷

The constitution provides that "appointments and promotions in the civil service of the state and in all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness," but previous to 1899 the legislature had made provision for the classification of state and city officers and employes only. The act of 1899 authorizes the commission to adopt regulations for the classification of offices and employments in any civil divisions of the state, and the commission has already taken

¹ Indiana Laws, 1899, ch. 155.

² Minnesota Laws, 1899, ch. 315.

³ Nebraska Laws, 1899, ch. 28.

⁴ New York Laws, 1899, ch. 466.

⁵ Nevada Laws, 1899, ch. 108.

⁶ Nebraska Laws, 1889, ch. 29.

⁷ New York Laws, 1899, ch. 370.

steps to bring a number of the most populous counties under its regulations.

County and Township Organization.—Two new acts in Indiana introduce some interesting features in county and township government.¹ Heretofore the general management of county affairs has been in the hands of three commissioners elected from three districts, and the entire control of township affairs has been in the hands of the township trustee. The object of the new acts is to separate legislative and administrative functions. A county council of seven members, three of whom are elected at large, is created. The members are elected for four years. The council has control of the finances: it fixes the appropriations and the tax levy and issues bonds. Strangely enough, however, the three commissioners are still retained as the general executive board of the county: it would seem that with the creation of a council of seven members, all purely executive work might best be entrusted to a single individual. A township advisory board of three members is also created, to have charge of the township finances and audit the accounts of the township trustee.

South Carolina has reorganized its peculiar system of county and township government.² The 1895 law provided for a county supervisor elected by the people, and a board of three township commissioners in each township appointed by the governor on the recommendation of the senator and representatives from the county. The chairmen of the township boards, together with the county supervisor, formed the county board of commissioners. Under the new scheme the county board of commissioners consists of an elected supervisor and two commissioners appointed by the governor on the recommendation of the members of the legislature from the county. The new board has the duties formerly performed by the county supervisor and

¹ Indiana Laws, 1899, ch. 105 and 154.

² South Carolina Laws, 1899, ch. 1, 2 and 86.

board of commissioners and by the township boards of commissioners.

In order to give the more populous townships, devoted in large measure to residential purposes, more extensive powers and a more complex organization, without at the same time changing the existing system in the rural townships, Pennsylvania has divided its townships into two classes: all having a population of 300 to the square mile are in the first class, and the remainder compose the second class.¹ Townships of the first class are given power to construct sewers, pave streets and make other local improvements, and provide police and fire protection. A board of five township commissioners, a treasurer, assessor and auditor are to be elected. New Jersey has adopted a general revision of its laws relating to townships.²

General Municipal Legislation.—In 1898 the Ohio Legislature provided for the appointment of a municipal code commission of two persons, to revise the laws relating to the organization of cities and villages, and to prepare a bill for a plan of organization which should be uniform throughout the state, and in which there should be a separation of legislative and executive functions.³ The report of the commission will be submitted to the legislature of 1900, and its chief conclusions are stated by Edward Kibler, one of its members, to be as follows:⁴

First, the abolition of the classification of cities, and the government of municipal corporations by local councils and not by the state legislature;

Second, the limiting of the functions of city councils strictly to legislative matters; the confining of administrative functions strictly to the executive department of cities, with the mayor as the responsible head; and the filling of all subordinate offices and places by a compulsory system

¹ Pennsylvania Laws, 1899, ch. 86.

² New Jersey Laws, 1899, ch. 169.

³ Ohio Laws, 1898, p. 302.

⁴ Municipal Affairs, September, 1899.

of selection known as the merit system of appointment; and,

Third, the nomination and election of all municipal officers, including members of the board of education, upon a non-partisan ballot.

A commission was created in New Jersey to report to the legislature of 1900 a revision and codification of the laws relating to cities and incorporated towns,¹ and a general law was passed for the government of cities under 12,000, which provides that the council may "make such ordinances not contrary to the laws of the state or of the United States as it may deem necessary for the good government, order, protection of persons and property, and for the preservation of the public health and prosperity of said city and its inhabitants."² In North Dakota, city councils have been authorized "to adopt such ordinances, not repugnant to the constitution and laws of the state, as the general welfare of the city may demand."³ South Carolina has empowered cities and towns to adopt any amendment to their charters not inconsistent with the constitution and laws of the state, on petition of a majority of the freeholders, and a majority vote of the electors.⁴

ROBERT H. WHITTEN.

New York State Library.

¹ New Jersey Laws, 1899, ch. 205.

² New Jersey Laws, 1899, ch. 52.

³ North Dakota Laws, 1899, ch. 40.

⁴ South Carolina Laws, 1899, ch. 42.

THE ADMINISTRATION OF CITY SCHOOLS.

A survey of public school administration in the larger cities of America reveals a surprising degree of uniformity in the general principles of organization. This uniformity is doubtless due to the influence of the older systems of the eastern states upon the school legislation of the West, as well as to the similarity of fundamental conditions in certain important respects. The early district school system has developed throughout the country along similar lines though it has been modified by the growth of a central control exercised by state officials. In recent years, however, the feeling has arisen that the school systems of our larger cities should have a more distinctly municipal form of organization in order to meet the demands of a rapidly growing population; a series of experiments has therefore been made looking toward a better adaptation of city school administration to the changing needs of the times. It is our purpose to discuss briefly some of the more important of these changes and to note the results obtained. The conclusions drawn are based upon the discussion of six important points, upon which the simplicity and efficiency of the newer systems depend, as follows:

1. The relation of the school system to the city government.
2. The number of school boards.
3. The size of the board.
4. The method of choosing the board.
5. The powers exercised by the board.
6. The duties of supervisors.

The relation of the municipal government to the schools has been placed first because it is *the* question of modern school organization; upon the answer given to this question depends the solution of all the minor questions which follow it.

Two general solutions offer themselves. According to the one plan the school system may form a simple department of the city government, presided over by officials who are appointees of the mayor. In the other system the school management is taken out of the sphere of city government entirely and given to a series of independent authorities with a separate legal and administrative basis. At present the second plan is still in operation in some of our large cities and has proved detrimental to the interests of all concerned. The school system has practically been considered as a separate organization not subject to the administrative control of the city authorities and yet dependent upon the city for financial support. Even the control exercised by state authorities has been comparatively insignificant, owing to the fact that city conditions have presented peculiar obstacles to strict supervision by an outside authority. So far has this separation been carried that in some of the states it has been held that the state legislature could not pass special regulations for the government of schools in particular classes of cities because of the constitutional prohibition against special legislation and because the school system was not a part of city administration. The separation of school management from general city administration has doubtless been due to two reasons, first, the general anxiety to divorce the school system from politics, and, second, the desire for elective officials, arising from the democratic tendencies of the last century.

As for the first reason, the desire to keep politics out of school affairs, the mere mention of such a plan is enough to show its failure when the actual conditions of our school system are known. The second reason for such a separation, *i. e.*, the democratic trend of our past development, is one of considerable force. It is certainly true that all over the United States the tendency has long been toward the maintenance of separate school authorities. There has been, especially in the country districts, a natural desire to

specialize local government, to give the management of roads, sanitary affairs, poor relief and schools to separate administrative officials and, by making these offices elective, to secure a more complete responsibility. Such a system has long been in vogue in rural administration and has been attended with satisfactory results.

Now this method may well be suited to the needs of a rural government, but it is thoroughly impracticable in a large city. The conditions of city life utterly preclude the existence of numerous independent, disconnected, administrative bodies. There must be one authority in which the others all find a common source and head—there must be unity. In the early part of the century, when the desire for frequent elections was at its height, the purely theoretical notion was that, by separating the different municipal departments and electing separately the heads of each department and bureau, a more direct responsibility of those officers would be secured, but in long years of practical experience this notion has proved most erroneous and even disastrous. The voter's attention is already too much occupied with other things to estimate carefully the merits of each candidate; the greater the number of offices to be filled, the greater will be this evil. Why, therefore, should we insist upon electing the machinery of a school system in addition to the officers of city government? The conclusion is obvious that from a political standpoint it is highly inexpedient to separate school administration from city government and to demand that the voter shall watch both. Again, leaving the political standpoint aside and judging from the point of view of efficient administration, the minute subdivision of authority has been found to prevent the practical, harmonious co-operation of all departments and, therefore, to lead to administrative discord. Theoretically it seems highly desirable that each department should, as far as possible, be distinct and independent and should be responsible only to the people, but if this

independence is achieved at the cost of general efficiency, the practical sense of men will demand a change. This fact has been clearly recognized by all the larger and more progressive cities in America, and in consequence of a universal movement toward increased responsibility and greater efficiency, the old systems of administrative separation and chaos have been superseded by the consolidation or union of administrative authorities under a common executive head. This movement has been followed by a marked improvement in municipal government.

In the face of such considerations can it reasonably be said that the department of education is an exception to all the other known facts? Can it be maintained that there is something so peculiar about ordinary school management as to require a form of organization which has been abolished in nearly all other branches of city government? This inquiry brings us to the other arrangement of the relation between municipality and school organization, viz., that in which the school system is not a separate institution, but forms a part of the city government. The whole tendency of the times is, as has been said, toward a more practical, definite fixing of responsibility, and this can only be secured by increasing the power of the city executive. The mayor should appoint the head of the department of education. This would at once place the school system in its proper position as a part of the municipal administration. The importance of such a change and its influence upon the other features of school management will be seen at once. If the school system is to be a component part of the city government, then it is obvious that a school board is not absolutely necessary. The present functions of the board could revert to the chief of the department. The board, if it continued to exist, might be given advisory powers only. The chief of the department or "city superintendent" would have entire charge of school affairs in the city, and under him, as in many cities at the present time, a

"business manager" would be entrusted with the erection and care of school buildings, repairs, supplies, and in general with the purely business side of the system.

One of the principal features of this plan is the importance attached to professional officials. In recent years, with the increasing complexity of public business, the field of activity for honorary officials has been considerably restricted. It is not reasonable to demand that honorary officials should neglect their own affairs in order to transact the public business, yet this is necessary in many branches of the public service for those who wish to acquire a thorough, practical knowledge of their respective offices. So long as the public business to be transacted does not call for more than ordinary business insight, the honorary office, filled by a competent business man, is entirely satisfactory. When, however, the public service has reached a high degree of complexity, requiring not only exceptional business management, but also considerable technical knowledge, the services of professional officials are absolutely essential. This is the present condition of our school system. Every effort will doubtless be made to maintain an honorary board at the head of the school administration nevertheless the imperative need of the system is for a single head with professional training.

The two general plans of school government outlined above vary widely from each other in their effect upon the relations of the system to the regular city government. Between these two extremes there are numerous modifications, *e. g.*, in New York City, although a board of education still exists, the mayor exercises considerable control over school affairs, in that he appoints the local boards. The new charter of San Francisco grants the mayor a similar power over the central board, but there is a marked improvement over other systems, in that the board consists of only four members. In both of these instances and in many other similar cases the principle of union between the city government and the

school system is carried out. If the force of these considerations be admitted, it will be seen that the existence of a board or council to advise or assist the head of the department is of relatively less importance. The great point to be gained is the placing of the real power in the head of the department and his subordination to the city executive. This done, an advisory council with limited powers may well be placed at the side of the chief.

After the relation of the schools to the city government, the next important question is as to the *number of boards* necessary for the proper administration of city schools. The problem has in the main been solved in favor of a single board. This central board directs the entire system of the municipality and exerts powers which vary greatly in extent.¹ Of the more important American cities only three at present retain the old system of local boards, viz., Philadelphia, Pittsburg and New York. In New York the local boards exist because of the union of Manhattan with other sections under the new charter. The school boards of the annexed sections or boroughs, having enjoyed an independent existence under the old order were allowed to exist as subordinate local boards by the framers of the new charter. There are four of these local boards, representing Manhattan and the Bronx, a board composed of twenty-one members, Brooklyn with forty-five members, Queens with nine members, and Richmond with nine members, respectively. In Philadelphia and Pittsburg each ward forms a school section and elects a local board, with the astounding result that in Philadelphia forty-two school boards are necessary to do the work which in San Francisco is performed by a single board of four men. The absurdity of this condition is evident. The existence of these local boards in a large city means the distribution of favors, of odd jobs and appointments among a multitude of petty authorities. The excuse is that the system affords

¹ See Powers of Board.

local self-government. Can it be possible that the school affairs in different sections of a large city are so radically different from each other as to necessitate all this cumbersome administrative machinery? The experience of those cities which have adopted the single board answers this question most emphatically. Here again, we are met by a conflict between theory and practice. Practical experience has shown conclusively that the idea of minute subdivision of authority, when applied to the government of large municipalities, is radically wrong, and may be even disastrous in its consequences.

The third important question is in regard to the *number of members* of the board. The practice of American cities has varied widely in this respect. Out of twenty large municipalities only seven have school boards of twelve and under, the others ranging from sixteen on up to forty. The large size of these bodies is to be explained from historical reasons. The board was copied largely from the model of legislative bodies, and as such was composed of the representatives from different municipal sections. Here again the idea of the representation of localities is seen, but in this instance with some real basis, since it is in this central board that the appropriations to different local schools are made. As new sections were added new members were also added to the board, until the present ungainly and cumbersome body resulted. In considering the improvement of our school administration, the size of the board must be looked upon as a point of great importance. It is undoubtedly true that in the multitude of counselors there is wisdom. The difficulty in applying this proverb to the school board, however, lies in the fact that the members are not counselors, but active executive agents with power not only to resolve but to carry their resolutions into execution. Here lies the fundamental weakness of our present systems. When the counselor leaves his legitimate field of advisor and attempts to take positive action on a wide

range of complex and even technical matters, then the smaller the number so acting the better. The celebrated maxim upon which the entire French system of public administration has been erected is, that *action* belongs to one person, *deliberation* to many. If the school board is to exist it must be cut down to a convenient size.

It needs no evidence further than the common knowledge of every man to prove that a large legislative body is cumbersome. The experience of all boards of government is that the larger the body, the greater the difficulty of action and the less the amount of business which may be transacted by that body. The day of government by oratory has passed. A small board of from six to eight members would act more expeditiously and with much less friction than our present boards. Aside from these considerations it is a well-known fact that the large size of most governmental boards prevents the clear, definite fixing of responsibility, and thereby tends to laxity of administration. All collective bodies are prone to shift responsibility. Under the present system of committee work and with the crowded conditions of legislative activity, it is remarkably easy for the real advocates or enemies of a measure to conceal their identity. The same holds true of administrative commissions and boards. The citizen, therefore, experiences an ever-increasing difficulty in examining the records of his representatives, so that political responsibility is now easily shirked by the members of all collective bodies in government.

Throughout the state and municipal systems there may be seen a gathering up of the scattered threads of power; instead of the large, unwieldy commissions formerly appointed, the newer bodies are of smaller size, and, in many instances, a bureau under the direction of a single official rather than a board, has been established. This general tendency, which might be called a tightening of the reins of power and responsibility, is well illustrated in the

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national government by the permanent commissions of interstate commerce and of civil service, of five and three members respectively, the single commissioners of labor, census, and the fish commissioner; in the state governments by the small commissions or single officials now charged with such affairs as education, highways, food inspection, health, factory inspection, etc.; finally, in the municipal government the establishment of smaller boards, and especially of bureaus directed by one official for the administration of sanitary, school, and other affairs. From these considerations it may be concluded that the weight of experience is against the large board and that the successful operation of small boards in various cities proves that a large number of members is unnecessary.¹

The method of choosing the board is at first sight a matter of no great importance, but there can be no doubt that this question may exercise considerable influence over the character of the body. In a majority of the large American cities the board is elected, yet the wisdom of such a course may well be doubted. Popular election of the board is open to the strong objection already mentioned, viz., it imposes on the voters the added burden and responsibility of examining a long list of candidates or of taking candidates on faith. The method of choosing the board now practiced in Philadelphia, viz., appointment by the judges, is not acceptable, if it be true, as has been contended above, that the department of education is a part of city government. The board of judges have been compelled to undertake many administrative matters of an unwelcome nature and among the most unwelcome have been the granting of retail liquor licenses and the appointment of the school board. The judiciary would certainly not suffer if these obligations were transferred to other authorities. Following the general lines of municipal progress already marked out by other

¹ The school board of San Francisco has four members, that of Cleveland seven, and that of St. Louis twelve, etc.

municipalities, the appointing power should be vested in such a way as to conduce to the unity of power and responsibility in the city government. There is only one way in which this can be done, viz., by conferring the power of appointment upon the mayor.¹

The Powers of the Board.—This is the crucial point in school administration. The board as it exists to-day in nearly all of our large cities is called upon to perform executive and legislative acts of the greatest variety. It must choose teachers, janitors, architects, etc., it must make contracts and watch building operations, and in many cases it must even adopt text-books. Now there are some things which even a school board cannot well do. In the words of the superintendent of schools in St. Louis: "The school department of a large city, with its disbursement in small amounts of funds amounting possibly to millions of dollars per year, has about it all the features of a very large business concern which cannot be attended to in detail in the leisure hours of any class of honorary officers, no matter how intelligent, honest and well qualified. The business side of a large system of public schools, aside from educational matters, involves a stupendous amount of work and, if it were to be conducted directly in detail by the board of education, would constitute a drain on the time of these honorary officers, which would not allow them to conduct any business of their own. . . . No board of education could directly judge of the qualifications of teachers nor of the merits of text-books. In the matter of building and repairs, too, and the furnishing of supplies, while they are of more general character, there is nevertheless a professional knowledge of detail involved, which the average citizen, who has not made these departments a specialty, cannot be expected to possess." A line of separation must be drawn somewhere between those things which may be left

¹ This is the practice in San Francisco, Chicago, New York (as regards the local boards), in St. Paul, etc.

to a collective body or board and those which can best be performed by a single person. The powers now possessed by the board must be carefully classified and those requiring detailed or technical knowledge must be transferred to special authorities.

While it is not the province of this report to work out the points of detail in such a plan, a broad, general classification may nevertheless be suggested. The board should only be entrusted with those duties and powers involving deliberation and discussion, *e. g.*, local school legislation, the determination of school policy, the general supervision of school affairs, and perhaps the distribution of appropriations. All other powers, especially those involving concentrated individual effort, attention to minute details and special technical or business training, should be left to professional officers. Such a division of labor would take from our boards of education many of the powers which they now possess. The most important changes would take place, first, in what may be termed the business management, and, second, the direction or supervision of instruction. The initiative along these lines has already been taken by several large cities, both West and East. In Boston, Cleveland, St. Louis, New Orleans, and other large cities, the powers of the board have already been changed in the way described; while in Chicago a strong commission appointed to recommend improvements in the city schools has reported emphatically in favor of a similar change. With this evidence showing the thoroughly practical nature of the suggested modifications, it is of importance to know what disposition has been made of the powers surrendered by the board.

Business Management.—One of the greatest difficulties met with under the present system is the management of ordinary business affairs, contracts, etc., connected with school administration. The practice of giving all these matters into the hands of a large assembly like the board is

to say the least, not business-like. Under the modern methods, as practiced in the cities just mentioned, these affairs are entrusted to a special professional agent, with the title of "business manager," "director," "superintendent of buildings," etc. This official is usually appointed by the board, is subject to its directions and acts as its executive agent in all matters relating to the construction, repair and maintenance of school buildings and grounds. The amount of discretion given to the business manager varies widely in the cities named. In Boston the school-house agent, as he is called, is subject to considerable interference on the part of the committee on schoolhouses, while in St. Louis, Cleveland, and in the plan proposed by the Chicago Commission, he is given great latitude, his acts being, of course, subject to the approval of the board at any time. The St. Louis-Cleveland-Chicago system is in this respect much superior to that of Boston, in that the former secures freer play for the technical knowledge of the professional official. If it be considered necessary to have a check upon the action of the manager, such a check is given in the provision requiring the consent or approval of the board in important matters. The Chicago Commission proposed that the manager should have the power of appointing architects, engineers, janitors and subordinate officials, of awarding contracts, etc., subject to the board's approval. This plan is already in operation in other cities. In justification of this system it may be said that it has long been tried in all the more important business corporations and has been found highly successful. No stronger proof of its adaptability to the field of school business can be given.

In addition to the business manager, or schoolhouse commissioner, one city, St. Louis, has appointed a financial agent, called the "supply commissioner," whose duty it is to issue all supplies to the schools and to keep an account of the same. The duties of this officer, however, are of

essentially the same character as those of the business manager, and the maintenance of a separate office therefore seems unnecessary and inadvisable.

Superintendent of Instruction.—The office of superintendent is not a new one, but has long existed in all the principal cities of America. It is possible, however, so to limit and restrict the powers of this official that the utility of the office is almost destroyed. The only useful purpose served by the maintenance of such an office is the establishment of an efficient executive control over the immediate work of instruction; if this executive power is to be denied to the superintendent, or if it is to be so hampered by interference as to make its enforcement difficult, then the main object of executive power is defeated, and the office sinks to the position of a clerkship. Under the new system, however, the duties of this office have been greatly increased and extended. The superintendent in the cities above mentioned is entrusted with the entire direction of instruction. This includes the appointment and removal of teachers, attendance officers, etc., the issuance of certificates, subject to the approval of the board, and the direct control of teaching. Here again, the Cleveland-St. Louis-Chicago system seems preferable to that of Boston, since the former gives to the superintendent the power to determine text-books, courses of study, apparatus, etc., while in Boston such matters are decided directly by the board. In practice, however, the actual difference is comparatively slight, since in St. Louis the board has the right of approval or rejection, and the Boston rules stipulate that the superintendent shall be given a hearing before the board acts.

It will doubtless be urged against these changes that it would be impossible to secure good men as members of the board if that body were deprived of its most important powers. Such, however, is by no means the case. The board still remains as an advisory body with the power of

final decision in certain important matters, but it is relieved of all the matters of technical routine which have been the chief stumbling-block in the past.

Supervisors.—Whether or not the guiding power in the school system be placed in the hands of a central official, such as the superintendent, it is necessary to have some regular supervision over the work of the local schools as well as a means of easy communication between local and central authorities. Such means of communication and supervision are afforded in the systems above described by a corps of trained supervisors acting as assistants to the superintendent and appointed by him. It is the duty of these officials to communicate instructions from superintendent to principals and teachers, to inspect the various schools and report upon the efficiency of teachers. In some instances, notably in Boston, the supervisors acting together as a board, conduct certain grades of examinations, recommend the adoption of text-books, maps, apparatus, etc. This general method of supervision has shown itself to be of great practical value, especially in those cases where the superintendent has been made the real head of the school system.

The conclusions of this paper may be briefly summarized as follows:

First. The school system should be a bureau or department of the city administration and should be directed, as such departments are, not by forty large boards, but by a single official.

Second. A single board with limited powers should assist and advise the head of the department.

Third. Such a board should be as small as circumstances will permit, and should, at most, have not more than six members.

Fourth. The head of the department and the board should be chosen by the mayor.

Fifth. There should be a careful and practical division

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of the powers now exercised by the board, those requiring technical or detailed knowledge and training should be transferred to professional officials, *i. e.*, the superintendent of instruction and the business manager or superintendent of buildings. Among such powers are the appointment of teachers, determination of text-books, apparatus, etc. (superintendent), and the letting of contracts, appointment of janitors, etc. (business manager). The experience of other cities is well-nigh conclusive in this regard.

Sixth. There should be a corps of trained supervisors or assistants to the superintendent for the purpose of directing and reporting upon the immediate progress of instruction. This is necessary in order to keep the executive head of the system thoroughly informed at all times.

Against the plan outlined above it will be repeatedly urged that it would concentrate a tyrannical power in the hands of the mayor, a power which might be abused with disastrous results. This is true. It is possible that a highly concentrated power may be and has been misused in such a way as to be intolerably oppressive. Precisely therein lies the remedy. With the concentration of power comes the only possibility of responsible government in modern cities. A host of petty despots may escape responsibility and may work great evil, but when power and responsibility are once definitely fixed in a single head, all uncertainty ceases and a clear issue is presented to the voter.

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THE FINANCIAL RELATION OF THE DEPARTMENT OF EDUCATION TO THE CITY GOVERNMENT.

The rapid, almost bewildering changes that have taken place in the distribution of governmental powers during recent years, have introduced an element of instability into the system of local finance which finds expression in the numerous, unceasing agitations for reform. Our faith in the "mechanics" of governmental structure is so strong that for every difficulty we are ready to propose some modification in administrative organization, and when such change does not meet expectations we cast about for a further device to meet the situation. The history of school administration in our larger cities furnishes one of the most striking instances of this tendency, which gives it an interest beyond the immediate problems involved.

In order to seek the causes of the present discontent with the working of our educational organization, we must not only apply the accepted standards of administrative efficiency but also examine whether the various parts of the system have been developed in harmony with one another. One of the fundamental principles of governmental organization is the necessary harmony between administrative and financial powers. Unless such harmony is carefully maintained, the smooth working of any system—no matter how carefully devised—is made impossible.

Applying these elementary tests to the educational system of Philadelphia, we find that this first requisite of efficiency has been disregarded. The desire to remove the educational system from the uncertainties of party politics led to the adoption of the system of appointment of the Board of Education by the Judges of the Court of Common Pleas. It is hardly within my province to comment upon this plan

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except to say that its possible influence upon the appointing body has been the greatest danger involved.

From the standpoint of educational organization, however, the really serious defect has been the failure to carry out this administrative change to its logical financial consequences. The identification in fact, if not in law, of the city and school district led us to place the financial control over our educational system in Councils. We failed to see, however, that this division of authority would result in the dissipation of responsibility and would fail to bring about close co-operation between the two independent bodies entrusted with the care of the school system. In any movement for reorganization we will do well to keep the lessons of this experience in mind. If we attempt to determine the financial powers of the educational authorities before deciding the question of administrative organization, we are likely to create as many evils as we attempt to remedy.

An examination of the constitutional aspects of the question makes it clear that we cannot proceed toward the reorganization of our educational system with a free hand. The interpretation given to the constitutional provision regarding local and special legislation¹ is such as to introduce an element of uncertainty into every effort for reform. The hard and fast rules which our State Supreme Court has applied, the arbitrary distinctions which it has drawn and the seeming disregard of some of the most elementary needs of our administrative system which has characterized some of its decisions, have tied the hands of the legislature to a degree which was certainly not contemplated by the constitutional convention and which, if continued, bids fair to make our constitution a hindrance rather than an aid to further progress. Unless the Supreme Court modifies its position, the machinery of our state government will "be so bolted and riveted down by the fundamental law as to be unable to perform its necessary functions."

¹ Art. III, Sec. 7.

The proposal of Dr. Young brings us to the parting of the ways as regards the financial system to be applied to the educational department. It would be manifestly unwise to give to a single head of department or even to a board shorn of some of its important powers, authority to levy independent taxes for school purposes. If we should decide to make the educational administration an integral part of the city government, the logic of the situation requires that the taxing power, as well as the control of the purse strings, should remain in Councils. Otherwise, we destroy the unity and simplicity of our municipal organization and introduce an element fraught with serious dangers. The most that can be done under such circumstances is to give to the educational department the right to a certain minimum of the total tax levy, and empower it to make the distribution of the appropriation according to its own judgment.

From the point of view of the development of our municipal life as a whole, this would undoubtedly be the most desirable plan. In those cities in which the educational system is entirely distinct from the city government, we find local civic life weakened by the withdrawal from city affairs of the large class interested in public education. One of the great civic problems of the present time is to concentrate the interest of the population upon city affairs, and for this purpose it is necessary to place every city function in the hands of a distinctively municipal authority.

If, however, we find ourselves compelled to maintain our present system of organization for some time to come, it is evident that a redistribution of financial powers must be made. The same principle of harmony between administrative and financial organization, which, under Dr. Young's plan, favors the concentration of all financial powers in Councils, dictates the granting of independent powers of taxation to the Board of Education under our present system. Unless we take this step it will be impossible to give

full effect to that principle of administrative responsibility without which no plan can be successfully worked.

The appointment of the members of the Board of Education by the judges of the Court of Common Pleas tends to foster a feeling of independence in the educational authorities which finds its reflex in the attitude of Councils towards the educational system. Given the desire of the latter body to maintain some supervision over the departments to which it makes appropriations, we cannot expect its close co-operation with a board over which it exercises no immediate control, and which it regards as an excrescence on the city government. The fact that the educational authorities are given independent control over the personnel and property of the school system tends to foster this feeling of distrust. With administrative powers in one body and financial powers in another, responsibility is certain to be dissipated. To explain shortcomings, the Board of Education can always point to the lack of thoroughgoing support in Councils, while Councils take refuge behind the unwillingness of the taxpayer to increase the tax-rate.

On this question of financial relation between Councils and the educational authorities, the experience of our larger cities speaks with no uncertain voice. A broad line of distinction may be drawn between those municipalities in which the educational department is dependent for its appropriations upon the local representative assembly or other municipal organ, and those in which the school authorities have independent powers of taxation. The Greater New York, Philadelphia and Chicago come within the first class; Boston, St. Louis, Cincinnati, Cleveland and Minneapolis within the second. The final test of the desirability of either system is the readiness with which the educational authorities are able to develop a school system which meets the requirements of the best educational standards. It may be stated as a general principle that in those municipalities in which the school authorities have enjoyed independent powers of taxation,

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the adjustment of the educational system to the growing needs of the community has been more rapid than in the cities in which the schools have been dependent upon the annual appropriations of Councils.

The system of local taxation which prevails in the United States is, in the main, direct taxation of real property. Every increase of expenditure is reflected in the tax-rate and is immediately felt by the large class of property owners. The opposition which a rising rate is certain to arouse has served to intimidate Councils. A low tax-rate is a constant popular demand, and every candidate for Councils must give assurance that the rate will not be increased. A councilman who wishes to remain in public life cannot with impunity advocate a high tax-rate, no matter how pressing the need for public improvements. In making up the city's budget, however, there are a large number of expenditures which are fixed either by state law or by the necessity of maintaining the various city departments. The result is that a certain minimum of taxation cannot be avoided. The educational department, if it is keeping pace with the legitimate demands of communal growth, must largely increase its expenditure with each year. The appropriations to this service mean a constant menace to the tax-rate, and it is but natural that sweeping reductions should be made in the estimates of the educational authorities. An examination of the finances of Philadelphia furnishes the clearest possible proof that so long as the population resists every increase of taxation, the city council will not be likely to give to the school authorities the financial support which the development of the educational system requires.

For this reason alone it would seem advisable to give to the educational department separate and independent powers of taxation. The desirability of such a change is further increased by the fact that the population of Philadelphia has always shown a relatively strong interest in educational matters. It seems quite certain that if the people were

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convinced that the receipts from a specific tax were to be used for educational purposes and no other, they would be prepared to contribute a much larger sum for public education than councils are willing to give at the present time. It is true that these arguments apply with equal force whether the board is appointed by the judges or whether the control of the system is placed in a single head of department appointed by the mayor with a board enjoying limited powers of control. In the latter case, however, the reasons in favor of independent powers of taxation are outweighed by the desirability of maintaining the unity of the municipal system.

In every case in which the school authorities enjoy independent powers of taxation, the opinions of such authorities are strongly in favor of the retention of the system. On the other hand, wherever the appropriations are in the hands of the local representative assembly we find considerable agitation in favor of independent powers. The Legislature of Massachusetts has recently given to the School Board of Boston the power to levy school taxes to the limit of \$2.90 per thousand dollars of real and personal property valuation. As the limit of city expenditure is \$9.00 per thousand the school board is thus given control over nearly one-third of the total income from taxation. In 1898 councils appropriated a little over one-fourth of the total tax-levy for school purposes. In the accompanying table the taxing powers of the educational department, together with a summary of the opinions of those closely connected with the service is given (see page 48).

The school boards of our larger cities have been, on the whole, the most satisfactory feature of our local government. They have attracted a higher standard of capacity and have been free from the more flagrant forms of corruption. There is, therefore, no great danger involved in giving to these bodies increased powers. The desirability of independent powers of taxation is reinforced by the fact

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Boston	School Committee—21 members elected by qualified voters of city for three years. Receive no compensation. Committee elects Superintendent of Schools and Board of Supervisors which consists of six members, who serve two years and receive compensation.	Until 1895, appropriation by Councils. Since February, 1895, by independent taxation, levied by school committee.	1895—2.5% 1896—4% 1897—3%.	School Attendance, \$7.65. Population, \$4.98.	Favors independent taxation as indicated by recent adoption of that system.
Cincinnati . . . . .	. . . . .	Independent taxation by Board of Education.	. . . . .	Attendance, \$7.57. Population, \$2.56.	. . . . .	Favors independent taxation by educational authorities.
Cleveland	School Council—7 members and School Director—elected for two years. Salary of members of School Council, \$250 per annum. Salary of Director \$500 per annum.	Independent taxation levied by Tax Commission and based on Estimate of Board of Estimate.	1895—2.6% 1897—6% 1898—1.5%.	. . . . .	School Attendance, \$2.77. Population, \$3.33.	Favors independent taxation by educational authorities.
Minneapolis	Central Board—7 members.	Independent taxation by Board of Education.	. . . . .	Attendance, \$1.50. Population, \$3.07.	. . . . .	Favors independent taxation by educational authorities.

¹ Under the present organization of the Educational Department in the Greater New York, a General City Board with four subordinate Borough Boards are provided. The former contains nineteen members. Chairman of each Borough Board is ex officio member of the School Board.

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that the paring down of educational estimates by Councils has reached a point which seriously impairs the growth of the system. Thus in the period from 1892 to 1899 the following reductions were made in the estimates of the Department of Education for permanent improvements¹ in the elementary schools:

Year.	Amount Asked For Permanent Improvement Elementary Schools.	Amount Appropriated.
1892	\$ 879,500	\$555,681.24
1893	986,500	613,387.39
1894	960,000	889,299.49
1895	1,505,000	708,870.48
1896	1,584,500	165,258.03
1897	2,285,500	447,848.60
1898	2,286,500	591,387.24
1899	2,091,500	1,035,097.46

An examination of the statistics in Table No. II will show that the discrepancy between the estimates of the Board of Education and the amount actually appropriated, is far greater in Philadelphia than in any other city in the United States. In New York, where appropriations are made by the Board of Estimate and Apportionment, the difference between the amount asked for by the board and the amount actually granted is less than \$30,000. With the exception of Brooklyn, Philadelphia expends less per capita for school purposes than any other large city in the United States, as is also shown by the figures in Table No. II.

If independent powers of taxation be given to the Board of Education it will be necessary to limit the rate by statute. In granting such powers it will be well to make a distinction between the expenditures for "maintenance" and those for "new construction." To give to the Department of Education powers commensurate with its responsibilities, the maximum rate must be placed sufficiently high to meet the needs of a growing educational department. This would mean a power to levy about five (5) mills on the dollar, or fifty (50)

¹ Such improvements include new sites, buildings and additions to old buildings.

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TABLE II.
Relation of Estimates of Board of Education to Appropriations by Municipal Council in Cities in which
the Educational Authorities Do Not Enjoy Independent Powers of Taxation.¹

City.	1887-1888.		1890-1891.		1896-1896.		1897-1898.	
	Amount asked for by Board of Education.	Amount appropriated by Councils.	Amount asked for by Board of Education.	Amount appropriated by Councils.	Amount asked for by Board of Education.	Amount appropriated by Councils.	Amount asked for by Board of Education.	Amount appropriated by Councils.
New York	\$4,234,365.00	\$4,173,167.00	\$4,561,444.00	\$4,224,417.00	\$5,793,579.00	\$5,679,302.00	\$6,986,773.00	\$6,962,145.00
Philadelphia	2,342,415.85	2,226,433.96	2,446,711.15	2,340,191.44	3,408,422.35	3,170,051.01	3,707,704.35	3,425,770.30
Brooklyn	2,036,119.00	1,762,379.00	2,073,979.00	1,900,320.00	2,865,744.00	2,564,263.00	3,296,320.00	2,582,000.00
Boston	1,714,660.00	1,779,660.00	1,149,200.00	1,919,200.00	2,218,000.00	2,130,000.00	2,500,000.00	2,425,000.00
Cleveland . . . . .	.....	580,495.00	.....	806,871.00	963,088.00	936,088.00	1,156,602.00	1,086,602.00

¹ The figures given only include maintenance and repairs. Estimates and appropriations for permanent improvements have been excluded owing to the irregularity and uncertainty of the amounts appropriated for this purpose from year to year.

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cents per \$100 valuation for maintenance and repairs, and two (2) mills on the dollar, or twenty (20) cents per \$100 valuation for new sites and buildings. On the basis of the real property valuation of 1899¹ this would mean a maximum of \$4,322,580.17 for maintenance and repairs, and \$1,729,032.07 for new construction. This maximum is not excessive, even when compared with the actual appropriations of the last few years.

In order to have the experience of our larger cities before us it will be necessary to take up each for separate examination.

*New York City.*²

Prior to the consolidation of New York, Brooklyn and surrounding districts into the Greater New York, the appropriations for educational purposes in both of these cities were made by separate Boards of Estimate and Apportionment. In the consolidated city the system has been continued, although the appropriations are now made by a single consolidated board, composed of the Mayor, Comptroller, Corporation Counsel, President of the Department of Taxes and Assessments and President of the Municipal Assembly. Of these, the Corporation Counsel and the President of the Department of Taxes and Assessments are appointed by the Mayor, who is, therefore, able to control the majority of the board. The amounts agreed upon by this body can be reduced, but cannot be increased by the municipal Assembly. Any such reduction is subject to the veto of the Mayor and can only be passed over his veto by a five-sixths (5-6) vote of both branches of the Assembly. As a result of this system, the appropriations are practically in the hands of the Board of Estimate and Apportionment. The figures in the accompanying table show that neither the Board of Estimate and Apportionment nor the Municipal Assembly has

¹ \$864,516.035.

² It is to be noted that the appropriations prior to the consolidation of 1898 were made by an independent city Board of Estimate and Apportionment.

TABLE III.
Relation of Expenditure for Public School Purposes to Total City Expenditure and to Real Property Valuation.

City (1897-98).	Population.	Real Property Valuation.	Tax Rate per Hundred Dollars Valuation.	Total Appropriation for City Purposes.	Expenditure for Public Education.	Relation of Expenditure for Public Schools to Total Appropriations for City Purposes.	Per cent. 15	Relation of School Appropriations to Real Property Valuation. ¹
New York (Borough of Manhattan and Bronx of the present Greater N. Y.)	2,155,830	\$1,856,467,923	\$2.01	\$46,402,793	\$6,962,146			\$0.37 per \$100 valuation.
Philadelphia	1,305,000	842,330,700	1.85	29,731,431	3,983,157		13.43	0.46
Brooklyn	1,197,100	570,107,742	2.83	15,172,117	2,582,000		17.02	0.45
St. Louis	651,821	262,913,090	1.40	9,051,575	1,424,779		15.74	0.54
Boston	528,912	830,194,900	1.36	11,671,135	2,700,989		22.56	0.32
Cincinnati	405,000	157,713,240	2.64	7,492,800	981,084		13.09	0.62
Minneapolis	210,000	88,193,635	2.30	2,608,694	645,000		24.72	0.73

¹ From this column no conclusion is to be drawn as to the relative expenditure per \$100 valuation in different cities, owing to the fact that in some cities, such as New York and Boston, both real and personal property is included, while in others, such as Philadelphia, real property valuation is the basis of taxation. The figures are only intended to show the tax rate necessary to meet present expenditures on the basis of present valuation.

seriously cut down the amounts asked for by the educational department.

YEAR.	Population.	Amount Actually Appropriated.	Expenditure per Capita of Population	Average School Attendance.	Expenditure per Capita School Attendance.
1888	1,500,000 ¹	\$4,173,167.00	\$2.78	134,248	\$31.08
1889	1,500,000 ¹	4,079,008.86	2.71	132,424	30.80
1890	1,515,301 ²	4,224,417.00	2.78	136,126	31.03
1891	1,515,301 ²	4,224,417.00	2.78	137,849	30.64
1892	1,801,739 ⁴	4,448,355.64	2.46	141,508	31.43
1893	1,850,000 ¹	4,480,448.23	2.42	146,070	30.67
1894	1,914,148 ¹	4,634,134.27	2.42	154,314	30.03
1895	1,991,402 ¹	4,962,423.14	2.49	163,339	30.38
1896	1,906,438 ¹	5,679,302.59	2.97	175,288	32.34
1897	1,957,284 ¹	5,931,239.89	3.08	186,653	31.77
1898	2,155,830	6,962,145.92	3.22	219,012	31.78

Brooklyn.

In the present borough of Brooklyn the same system obtains as in New York. The Board of Estimate and Apportionment and the Municipal Council have reduced the estimates of the Educational Department far more freely than in the borough of New York.

YEAR.	Population.	Average School Attendance.	Amount asked for by Educational Department.	Amount Actually Appropriated.	Expenditure Per Capita of Population.	Expenditure per Capita of Average School Attendance.
1888	782,221	69,617	\$2,036,119	\$1,762,379	\$2.25	\$25.315
1889	852,467	73,862	2,006,660	1,536,085	1.80	20.796
1890	853,945	75,274	2,073,979	1,900,329	2.22	25.245
1891	880,780	77,893	1,737,420	1,637,437	1.85	21.021
1892	978,374	81,985	2,220,143	1,805,343	1.84	22.020
1893	1,003,781	87,478	2,397,492	1,996,500	1.98	22.822
1894	1,080,000	94,361	3,359,074	2,331,924	2.15	24.818
1895	1,105,000	103,858	2,995,208	2,194,048	1.89	21.125
1896	1,140,000	106,449	2,865,744	2,564,263	2.24	24.126
1897	1,180,000	116,980	3,637,095	2,735,000	2.31	23.389
1898	1,197,100	120,654	3,296,829	2,582,000	2.15	21.400

¹ Estimated.

² Federal census 1890. Population estimated by mayor, 1,800,000, municipal census 1,710,715.

³ Federal census 1890, no estimate given.

⁴ State census 1892.

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The superintendent of schools of the Greater New York is strongly in favor of giving to the Educational Department independent powers of taxation.

Boston.

Until within recent years the school department of Boston was dependent upon the city council for appropriations. In 1895 the school committee, a body analogous to the Board of Education of Philadelphia, was authorized by law to expend a given amount each year for new buildings, and the city treasurer was directed to issue bonds for this purpose. In 1898 a further step was taken, by giving to the school committee power to levy taxes for school purposes on the assessed valuation of real and personal property to an amount not exceeding \$2.90 per \$1,000 valuation.¹ The extent of the fiscal power thus enjoyed is readily seen when compared with the total taxing power of the city. The rate of taxation to meet current expenses of government is limited to \$9.00 per \$1,000 valuation. The school committee is thus given nearly one-third of the entire tax levy.

YEAR.	Population.	Average School Attendance.	Amount Asked for by Educational Department.	Amount Actually Appropriated.	Expenditure per Capita of Population.	Expenditure per Capita School Attendance.
1888 .	424,274	55,291	\$1,830,358	\$1,764,180	\$4.15	\$31.90
1889 .	436,208	56,565	1,901,440	1,871,440	4.29	33.08
1890 .	448,477	57,133	1,965,500	1,919,200	4.27	33.59
1891 .	457,772	57,324	2,005,200	1,500,000 ²	3.27	26.16
1892 .	467,260	58,133	2,048,407	2,000,000	4.28	34.40
1893 .	476,945	59,076	2,090,320	1,994,000	4.18	35.27
1894 .	486,830	61,792	2,192,000	2,030,000	4.16	32.86
1895 .	501,083	62,996	2,218,000	2,130,000	4.25	33.81
1896 .	516,305	64,899	2,370,000	2,173,400	4.20	35.00
1897 .	528,912	67,691	2,500,000	2,315,000	4.37	34.19
1898 .	541,504	71,766	. . . .	2,700,589 ³	4.98	37.63

¹ Acts of 1898—Chapter 400.

² Nine months.

³ First year of independent powers of taxation by school committee.

St. Louis.

The Board of Education of the City of St. Louis enjoys independent power of taxation to the extent of four (4) mills on all property subject to state or city tax. The weight of opinion of all those interested in educational work is strongly in favor of the continuance of the existing system. The Board derives additional revenue from the following sources:

First—The city's share of the state school fund, based upon the number of children of school age in the city.

Second—Railroad taxes.

Third—Merchants' and manufacturers' taxes, amounting to four (4) mills on each dollar of stock on hand.

Fourth—Rents on leased property belonging to the permanent fund of the board.

The expenditures for the last ten years are shown by the accompanying table:

YEAR.	Population.	Total Expenditure.	School Attendance.	Expenditure per Capita Population.	Expenditure per Capita School Attendance.
1887-88 . . .	449,160	\$981,506.55	57,074	\$2.18	\$17.19
1888-89 . . .	472,692	1,162,822.39	57,147	2.47	20.34
1889-90 . . .	496,224	1,053,193.55	58,316	2.12	18.06
1890-91 . . .	517,776	1,230,654.48	59,693	2.37	20.61
1891-92 . . .	542,922	1,382,691.80	62,435	2.54	22.14
1892-93 . . .	574,569	1,497,578.73	65,169	2.60	22.97
1893-94 . . .	596,157	1,440,596.39	68,839	2.41	20.92
1894-95 . . .	603,837	1,643,998.81	70,428	2.72	23.34
1895-96 . . .	611,268	1,583,629.02	73,529	2.59	21.53
1896-97 . . .	638,571	1,792,655.38	74,923	2.65	23.92
1897-98 . . .	651,821	1,424,779.07	75,922	2.18	18.76

*Cincinnati.*¹

The State of Ohio is divided into school districts, each of which is authorized to levy on the grand tax duplicate of

¹ Cincinnati is a separate school district, embracing, besides the city proper, many outlying villages, the total population being about 350,000, based on the census of 1890.

the county for common school purposes. In addition, the revised statutes of Ohio (Section 3951) provide that for the purpose of affording the advantages of free education to all the youth of the state, there shall be levied annually a tax based upon the list of taxable property of the state, which shall be collected in the same manner as other taxes. The proceeds constitute the State Common School Fund and is distributed among the various counties according to population.¹ The school district tax of Cincinnati has been 4.1 mills per dollar of valuation since 1897. The Legislature has, furthermore, granted to the Board of Education authority to issue bonds for building purposes.

YEAR	Population.	Average School Attendance.	Average Daily Attendance.	Amount Actually Appropriated.	Expenditure per Capita, Average School Attendance.	Expenditure per Capita, Average Daily attendance.	Expenditure per Capita of Population.
1888	280,000	29,158	28,130	\$802,195.56	\$27.54	\$28.51	\$2.85
1889	285,431	30,366	28,949	828,023.17	26.93	28.60	2.90
1890	296,908 ²	30,207	28,754	852,126.86	21.58	29.63	2.87
1891	306,000	30,459	29,099	866,420.32	25.16	29.77	2.83
1892	316,000	30,285	29,015	867,011.71	28.62	29.88	2.74
1893	325,000	30,742	29,634	879,284.01	28.60	29.67	2.70
1894	335,000	31,735	30,639	882,064.55	27.79	28.78	2.63
1895	350,000	32,640	31,560	870,019.24	26.65	27.56	2.48
1896	360,000	35,174	34,019	967,339.25	27.50	28.43	2.68
1897	372,000	36,387	35,237	966,023.04	26.53	27.41	2.59
1898	383,000	37,024	35,840	981,084.50 ³	26.49	27.37	2.56

Cleveland.

The tax levy for educational purposes in Cleveland is dependent upon a tax commission, three members of which are appointed by the Common Pleas Court, the other members are the mayor and the city auditor. The Board of Education sends to the tax commission an estimate of the rate

¹ The rate within recent years has been one mill per dollar of valuation.

² Census 1890, other figures estimated.

³ Estimated.

required to meet its needs, which is then passed upon by that body. As a rule the reductions are very slight. Thus in 1899 the commission reduced the board's estimate by one-fifth of a mill per dollar of valuation, amounting to but \$30,000. The total proceeds of this tax are at the disposal of the Board of Education, as the tax commission does not specify the purposes or the items of appropriation. From the opinions of those best competent to judge, a change in this system would be extremely desirable, as the tax commission is not directly responsible either to the people nor to any organ of government.

Year.	Population.	Average School Attendance.	Tax Rate, ^a (Mills) Per Dol. Valuation.	Amount Raised by Taxation.	Received from State.	Total Expenditure.	Expenditure per Capita School Attendance.	Expenditure per Capita Population.
1888	240,000	26,355	6.2	\$591,720.03	\$94,653.00	\$686,373.03	\$26.04	\$2.86
1889	250,000	27,462	6.2	594,884.63	95,807.25	690,691.88	25.51	2.76
1890	261,353 ¹	28,175	8.1	806,871.55	104,385.15	911,256.70	32.34	3.48
1891	261,353 ¹	28,462	6.7	789,481.92	122,128.90	911,610.82	32.03	3.48
1892	261,353 ¹	29,633	7.2	770,795.00	126,916.48	897,911.48	30.29	3.43
1893	300,000	31,324	7.2	849,446.03	124,449.00	973,895.03	31.08	3.24
1894	330,000	33,406	7.2	906,697.79	129,885.00	1,036,582.79	31.02	3.14
1895	350,000	36,540	7.2	936,088.42	131,830.50	1,067,918.92	28.95	3.05
1896	345,000	38,613	8.4	999,357.18	137,179.50	1,136,536.68	29.43	3.29
1897	370,000	41,388	8.4	1,086,602.80	145,791.50	1,232,394.30	29.77	3.33

If, in this experience, we are to find any real guidance we must bear in mind that the most that any change in administrative or financial organization can accomplish is to favor the development of our educational system in harmony with the needs of the community, and to accompany every change in its policy with that ready enforcement of responsibility which is the first test of administrative efficiency. In our school system in Philadelphia we have been trying to work a nondescript combination of rural and urban organization, in which the traditions of an early period have clashed with

¹ Census of 1890; others estimated.

² Including one-fifth of a mill levied for manual and domestic training school purposes.

the requirements of modern educational standards. We must now squarely take our stand on one of two positions, either make the school administration independent financially as well as in its administrative organization, or incorporate it as an integral part of the city government. No halfway measure will meet the difficulty. Failure to move in either direction commits us to irresponsible rule and hopeless administrative entanglements. The choice should not be difficult.

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REPRESENTATION IN STATE LEGISLATURES.

Not least among the advantages of the American federal system is its elasticity. It is this which has made possible the nation's varied development. Of uniformity our political institutions show little trace; the material was little adapted to anything like French symmetry in government. Federalism has allowed each community to develop according to its bent. Ultimately there is some approach to likeness of type, but meantime institutions adapt themselves to local conditions.

A still greater advantage has been the freedom which federalism has made possible for the trying of experiments. The effects of changes which the constitution would have prevented or which it would have seemed perilous to attempt upon a national scale have been tested for the country at large by individual states. Thus New York and Massachusetts worked out the main features of our national banking system; thus to-day the states are planning their several campaigns against the trusts.

It is the purpose of this series of papers to study the various forms which representation has assumed in the legislatures of the several states, to trace out any lines of tendency which may come to light, and, finally, to seek to discover what influence these varieties and these tendencies may have upon our national government and upon our national life and character as well. That these bearings must be both direct and important the constitution has itself ordained. Thus the basis of representation in the state becomes the basis of national representation; or, in other words, by determining who are entitled to vote for a member of the more numerous branch of the local legislature the state decides who within its borders shall vote for members of congress and for presidential electors. It is no matter of merely local or academic interest that women may vote in Utah, that Italian aliens may vote in Colorado, or that the majority of the negroes may not vote in Louisiana. Again,

it is by their choice of United States senators that state legislatures are brought into close contact with national politics. A slight change in the law or custom of representation in a single state might reverse the balance of parties and cause a profound change in national policies and even in international relations. Again it rests with the individual state legislature to determine how presidential electors shall be chosen. Unrestrained by the federal constitution and with no mandate from the voters, the Legislature of New York, for example, next November may itself choose thirty-six electors or decree that they shall be chosen by districts, or that they shall be appointed by the governor.¹ Not mere party advantage, therefore, but popular control over our national government as well depends in no slight degree upon the form and spirit of representation within the several states.

The proposed study involves in the first place a comparison of constitutions. It is not hard to get at the legal framework of the legislature; but this gives only the skeleton. A political institution is a thing of life; if the workings of representation are to be grasped, it must be discovered what manner of men make up our legislatures; from what ranks they come; how they have been trained; what has made them available candidates; what classes have remained unrepresented, and why?

Upon such questions as these the state constitutions throw no more light than does our federal constitution upon the real spirit and method of a presidential election. Of course conclusive knowledge upon many matters of this kind could be gained only from personal contact with legislators throughout the country. Some interesting suggestions, however, may be obtained from a study of the various legislative manuals.

Such material is of the most heterogeneous character. Some of the states publish no manual, or issue one only at

¹Legal possibilities are, of course, under present conditions not political possibilities. The choice of electors is at present regulated by Art. VII, Sec. 161 of the N. Y. Election Law, but this can be changed by ordinary legislation.

irregular intervals. In others merely the constitution, rules and other indispensable information are printed. Often the printing of biographical sketches of the legislators is left to private parties, who issue either a cheap pamphlet or a gaudy illustrated "souvenir," which the legislator's pride will seduce him into buying at an exorbitant price. Even in the elaborate manuals issued by state authority there are the widest differences as to the quality of the work; in most of them a most unfortunate lack of editorial skill and courage is manifest.¹ Yet strong reasons may be adduced for putting the preparation of this material into the hands of a trained editor under the authority of the state. When the legislature meets for but a few weeks in the course of the year, and when the notion of rotation in office has made a second term highly improbable, it is of no small moment that the members get into working order at the earliest possible moment. At their first assembling the state should provide them with a terse record of each member, so that every man may have some measure of his colleagues. This is not a matter to be left to some enterprising fellow in the press gallery to conduct as his private speculation. From him the questions come as an impertinence, and are neglected or lightly answered according to the individual's whim. The response to the duly authorized state editor, on the other hand, would be made as one of the duties of the office. The state editor, too, should be in position to make a dignified and worthy presentation of these details, suppressing the trivial and irrelevant and following up the careless or dilatory member until all needed data are secured.

¹Of course the data are furnished by the individual members, but when in a manual bearing the seal of the commonwealth space is taken to inform the world that "although Representative A. held a county certificate for several years, he never taught school," and that Representative B. "was afflicted with a malignant cancer in the face and nose and under treatment of Dr. C., of D., survived one of the most painful but most remarkably successful surgical operations," the question may be raised, whom the publication of such details is to enlighten? Often any stuff, which the members may be unsophisticated or facetious enough to hand in, is shaken together and put forth as a legislative manual, with a biographical section as edifying as that of the Congressional Directory.

Not only should these sketches be put upon a more worthy plane as a matter of present interest and concern to the newly assembled legislators, but also as a matter of record. Nor, it is to be hoped, will this material be of interest alone to the dry-as-dust historian of the future. It is worth while at the present to be able to note how from year to year the personnel of a given legislature is changing. Are we coming to rely on younger men? Are we placing less value than heretofore on legislative experience? Are second terms becoming rare? Is the balance among legislators changing so that only a few interests are coming to have effective representation? Are classes or races, prominent in the census enumeration, without spokesmen in the legislature? Is it Quixotic to look forward to a time when the consideration of such questions as these may come to exercise some appreciable influence upon the selection of candidates—when fitness for service, and not simply for election, shall have some weight in determining “availability?”

The framing of constitutions proceeds at a different pace in the several states. Within the same group may be found the oldest and the newest—the unrevised constitution of Massachusetts, which antedates the federal constitution, and that of Delaware, under which but one legislature has met. Again, while the whole country presents too broad a field for minute analysis, the piecemeal revision of constitutions through individual amendments is constantly going on, so that a strictly logical grouping of the states for comparative study becomes impossible. However, for practical purposes a rough geographical grouping will serve. If formal provisions in the constitutions differ, these differences in many instances are offset by the growing custom of the constitution which similar ethnic, industrial, and social conditions tend to evolve. Thus the suffrage clauses in recent constitutions at the south are merely giving formal expression to what has long been an acknowledged political fact.

REPRESENTATION IN THE LEGISLATURES OF THE NORTH ATLANTIC STATES.¹

I.

Who are represented, or rather, who may vote in the choice of legislators?

It is not surprising that in this group, including nine of the original states, this question should receive a conservative answer. The suffrage is confined to male citizens, at least twenty-one years of age.² New York and Pennsylvania, which have had sad experience of naturalization scandals on the eve of elections, require that citizenship shall have been completed several weeks before the would-be voter may cast a ballot. In somewhat varying phrase there are excluded from the suffrage paupers and persons under guardianship. Needy soldiers and sailors of the Civil War are frequently exempted from this disqualification. In disfranchising criminals recent constitutions are very explicit in regard to crimes against the ballot.

Formal property qualifications for the legislative suffrage are no longer to be found. Rhode Island swept away the last of these a dozen years ago. Registration is required in seven of the states, and in Delaware the voter must have paid a registration fee of one dollar. Even the payment of a poll tax as a pre-requisite to voting has fallen into disfavor.³ In New Hampshire a man who has been excused at his own request from the payment of a tax may not vote unless he first make a tender of the amount of the tax, a provision which certainly does not discourage corruption at the polls.

Before a man may vote at an election a residence of at

¹ In the ANNALS of September, 1895, the writer discussed some features of representation in New England legislatures.

² In all the states except four (New Hampshire, Massachusetts, New York and Delaware), it is specifically required that the would-be voter shall be a citizen of the United States.

³ In Pennsylvania, however, the voter must have paid a state or county tax within two years. (Const., Art. 8, Sec. 1.) In Massachusetts, too, the abolition of the poll tax qualification is in name rather than in fact, for before a man may register he must prove that he has been assessed to the payment of a poll tax.

least a month within the district is required. A longer period of probation within the state is insisted upon by all the constitutions. A citizen who takes up his residence in Maine may vote at the end of three months, whereas if he should remove to Rhode Island he would not be qualified to vote for a representative until he had breathed the air of Narragansett Bay for two years.

Of the eight states whose constitutions already require an educational qualification for the suffrage, four lie within this group. In the middle of the century, when vexed with nativist fears, Connecticut and Massachusetts set the precedent, by requiring that the candidate for registration should prove his ability to read the English language and to write his own name. During the past decade Maine and Delaware have adopted similar requirements, not from any race antagonism, but with a view to elevating the voters' plane of intelligence.¹

II.

What is the basis of representation?

"*Vox populi* may be *Vox Dei*," says Sir Henry Maine, "but very little attention shows that there never has been any agreement as to what *Vox* means or as to what *Populus* means. Is the voice of the people the voice which speaks through *scrutin d'arrondissement*, or through *scrutin de liste*, by *plébiscite*, or by tumultuary assembly?"

In these primitive American commonwealths how was *Vox populi* to translate itself into *Vox Dei*? On one point our forefathers were agreed: it must be through representation. Was not that the very thing for which they were fighting? Moreover, that representation "ought so far as possible to be *equal*,"—such is the oft-repeated dictum of the

¹ Conn., Const. Amend. XI., 1855. Amend. XXIX., 1899, specifically requires that the reading be in English. Mass., Const. Amend. XX., 1857. Such a provision in the proposed Rhode Island constitution is said to have contributed largely to its rejection by the people in 1899, the foreign-born having been persuaded that it was directed against them.

constitutions. But in what does this equality consist? Does it require that the voice of the minority shall be heard? This was answered unhesitatingly in the negative. Does equality call for the same number of representatives from each district, each town? Or, regardless of the boundaries of political units, does equality demand one representative for a certain quota of voters? Or has equality regard to the representation of ideas, or of interests? On these questions opinion was divided, and has so remained.

In 1776 it had by no means become an accepted axiom of political science that a representative legislature should be a bi-cameral body. Of the states which made trial of a single chamber, Georgia was the first to renounce it in 1789; Pennsylvania divided her legislature in the following year, while Vermont retained the single chamber for half a century.

It was the organization of a New England legislature that suggested the compromise in the convention of 1787 whereby the interests of the large and small states were reconciled by the provision for a bi-cameral congress, each house resting on a different basis. In like manner in the legislatures of to-day it is the rule that one chamber—now the house, now the senate—represents political units while members in the other are apportioned according to population. To this rule Massachusetts presents the striking exception; in each house the same basis of representation has been chosen, and carried out with the least practicable interference from town or county lines. It is not towns nor counties, not "inhabitants" nor population, but legal voters that here constitute the basis of legislative representation. After each state census the commonwealth is divided into senatorial and representative districts, each of which is to contain as nearly as possible the proper quota of legal voters.¹ Towns or wards of cities may not be divided, but may be combined, in making up a district, which must

¹ Average ratio for the state, established by Chapter 509, Acts of 1896, for senatorial districts, 14,020; for house districts, 2,336.

always consist of compact and contiguous territory. The representation which a county receives depends entirely upon its voting strength; there is no maximum or minimum fixed by law. Thus Suffolk county elects nine senators, while Barnstable, Dukes and Nantucket counties together constitute the "Cape District," and send but one senator to Boston. Maine, New Hampshire, Vermont and Pennsylvania, as well as Massachusetts, provide for periodic reapportionments of a fixed number of senators among counties or districts conforming to county lines. Vermont insists that each county must have at least one senator. The New Hampshire constitution, while declaring that the senatorial districts shall be as nearly equal as possible, directs the apportioners to "govern themselves in the proportion of the direct taxes paid by the said districts." The New York constitution of 1894 defines the bounds of senatorial districts, but provides for the decennial readjustment of district lines after each state census, so that each may contain "as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable." Delaware's new constitution goes further; not only does it lay down with the greatest particularity the bounds of both senatorial and representative districts, but with one trifling exception it makes these district lines unalterable, except by formal constitutional amendment. Connecticut admits the principle of proportionality to population, but with so large a minimum guaranteed to each county as to make it practically inoperative. Since each of the eight counties must have at least two out of the twenty-four senators, it results that New Haven county, with nine times the population of Tolland, can elect but twice as many members to the upper house.

Three of the states under consideration have followed the analogy of the federal senate in according equal power to each political unit. In New Jersey it is the county which serves as the basis, each being entitled to one senator. As a result Essex (256,098) and Hudson (275,126) are balanced

by Cape May (11,268) and Ocean (15,974). But in senatorial representation it is Rhode Island that does the greatest violence to the spirit of equality, while clinging to its letter. Each town, whatever its size, elects one senator. As a result in the Rhode Island senate West Greenwich, with a population of less than 800, stands the proud peer of Providence, with a population of about 160,000.

The idea finds wider acceptance that in the lower houses each local unit should have at least one representative. Even in Massachusetts, where representation is periodically reapportioned among districts according to voting population, custom with the force of law decrees that there shall be rotation within the district so that each town shall have its turn in sending one of its residents to the legislature every few years. Three of the New England states make the town the unit, adopting devices which secure a considerable degree of proportionality to population.¹ Much the same system is to be found in five of the other states, the county here replacing the town as the unit.² A single member is assigned to each small unit, and additional members are accorded at a rate somewhat slower than the increase of population. Of all the states in the Union New Hampshire is most generous in dispensing seats in the legislature. One member is elected from each town or ward of a city having 600 inhabitants; a town of 1,800 elects two, while for additional members the mean increasing number is 1,200. Liberality to the small community goes yet further: a town or ward having less than 600 inhabitants is authorized "to send to the general court a representative such proportionate part of the time as the number of its inhabitants shall bear to 600." Under this provision in the last legislature there appeared as a full-fledged representative from the town of Windsor an "Independent," elected by the unanimous vote

¹ Maine, New Hampshire and Rhode Island.

² New York, Pennsylvania, New Jersey, Maryland and Delaware; in the last state the "hundred" is in most instances the unit.

of his constituents, *four* "Independents," while in Hart's Location a contest between two Republicans was won by a vote of seven to two, one of the candidates having served as moderator of the meeting and the other as one of the three "supervisors of the check list."¹ This system gives to New Hampshire, with a population smaller by a fourth than that of Boston, a house of representatives larger by over a hundred than that of any other state, larger by four than the lower house of congress.

Vermont alone of the states of this group insists upon absolute equality of representation in the house for every local unit. To each of her 246 towns is given the choice of one member. In matters of constitutional law Connecticut delights in the antique. Retaining her old charter for forty years after the separation from England, it was not until 1818 that she framed a constitution for herself. So far as representation was concerned its theory was, "the thing that hath been, it is that which shall be:" the number of representatives from each town was forever to remain the same as at that date. The meagre records of the eighteenth century seem to indicate that in general each town, when it entered the Connecticut federation or was set off as a new corporation, received the full privilege of choosing two representatives by the terms of the charter. In the slight modifications which the charter underwent in 1776 no essential change was made in this part of the representative system. In the dozen years preceding 1790, however, a number of towns were admitted with the right of sending but one member, a limitation due apparently to the smallness of the representatives' meeting-place or to a desire to economize in the expense of law-making rather than to any intention to establish a precedent.² The result was that, when the existing basis of representation was petrified by

¹ At Windsor the moderator served also as one of the three "supervisors of the check list."

² "Town Rule in Connecticut," Clarence Deming, *Pol. Sci. Quar.*, September, 1889

the Constitution of 1818, although the majority of towns were sending two members, a considerable number, many of which have since become thriving communities, were allowed but one. This constitution provided that any new town that might be incorporated should receive but one, while the towns from which it was made were not to have their representation diminished without their own consent. An amendment added twenty-five years ago allows two members to any town of 5,000 and over, even if it does not date from the most ancient times; but it again guarantees to all other towns the representation which they then had. Two years later it was provided that thereafter a new town should be deemed to be merely an election district of the town from which the greater part of its territory is taken, until each should contain at least 2,500 inhabitants.

III.

How are the Legislatures elected?

That the personnel of legislatures and the character of legislation are conditioned to a considerable degree by the frequency of elections and of sessions, by the length of sessions, by the methods of election and of renewal, and by the amount of compensation, is beyond dispute. But the interplay of diverse influences is here so intricate that the teaching of experience has not as yet brought the states to any substantial agreement as to what is desirable in these matters.

Of all the states in the Union Massachusetts and Rhode Island alone still retain annual elections of both houses of the legislatures. To them General Thompson's appeal: "O my country! never give up your annual elections; young men, never give up your jewel!" seems not yet to have lost its force.¹ To possible gains from biennial elections in the way of economy of expense and of energy, and to greater experience on the part of their legislators they prefer the

¹ In the Massachusetts convention for the ratification of the Constitution, 1788. Elliot's Debates, vol. ii, p. 16.

degree of responsibility and control which is secured by the voters' yearly choice of their law-makers.¹ In all the other New England states both elections and sessions are biennial. New York and New Jersey retain annual sessions. All the states in the group under discussion outside of New England elect the senate for a longer term than that of the lower house and, with the exception of New York, the renewal of the senate is gradual.²

In only two of these states is the session limited. Maryland allows her legislature to continue its deliberations as "long as in its judgment the public interest may require, for a period not longer than ninety days." Delaware fixes no absolute term, but discourages dilatory action by cutting off all compensation at the end of sixty days.

Since constitutional provisions or custom with the force of law requires that the legislators be residents of their constituencies, it becomes important to inquire how great is the range of choice thus prescribed. There is a strong tendency toward narrowing the constituency; if the district be small, the representative, it is thought, will know the needs of his district thoroughly. "What will the neighbors say?" is a query which will hold him in constant restraint. But the inevitable corollary, of course, is, that the range of choice is narrowed in like proportion. In fourteen of the legislative bodies under discussion, including every senate except that of Vermont, the legislators come from districts which elect but a single member. Even where some variation is possible, the tendency to minute sub-division is marked, and low limits are set on the number to be chosen from a single district.³

¹ In both of these states agitation for biennial elections has become strong enough to secure the submission to the people of constitutional amendments providing for their introduction. In both states the proposition was defeated; in Massachusetts in 1896; in Rhode Island in 1899.

² In New Jersey one-third of the senators are elected each year; in Pennsylvania, Maryland and Delaware, one-half.

³ Thus, in Massachusetts the 240 members are elected from 164 districts, 94 of which choose but one; 64 choose two, while only six elect three, the maximum allowed by law. In Pennsylvania the 200 members come from 117 districts, of which nearly half choose but one, while none may choose more than four. Phila-

While in most instances the division of large populations is insisted upon, the constitution of Rhode Island expressly prohibits the division of any town or city for the election of representatives, with the result that Providence elects twelve the legal maximum, one-sixth of the whole house.

In states where the sentiment in favor of single-member districts is so strong, it goes without saying that neither by law nor by custom is any attempt made to secure proportional representation. Elections are by blanket ballot, and "solid" party delegations even in the largest districts, are the almost unvarying outcome. Providence sends twelve Republicans to the legislature; in New Jersey, Essex county elects eleven Republicans, while Hudson county elects eleven Democrats. In the rare instances where a mixed delegation results, the parties are so evenly balanced that personal popularity usually turns the scale.¹

In America the expediency of paying for legislative service is regarded as a purely academic question. "'The laborer is worthy of his hire;'" why should this not apply to the employes of the state?" is the usual reply. But with the universal acceptance of the principle of a paid legislature unanimity ends. The amount of the compensation certainly figures as one of the considerations which may induce or repel possible candidates for legislative service. How to gauge it becomes therefore a difficult problem. Of

delphia is split up into 28 districts for the choice of 37 members. The other exceptions to the one-member rule are as follows: New Hampshire—House, town or ward representation, varying from 1 to 6, according to the representative quota. Vermont—Senate, three counties elect 1; seven, 2; three, 3; one, 4. Connecticut—House, towns elect two or one according to antiquity. Rhode Island—House, towns elect from one to twelve according to population. New Jersey—House, seven counties elect 1; six, 2; five, 3; one, 4, two, 11. Maryland—House, seven counties elect 2; nine elect 3; four, 4; two, 5; while one county, and three districts of the city of Baltimore elect 6 each.

¹ In New Jersey every county's delegation was "solid;" in Pennsylvania out of sixty-two districts sending two or more representatives only two delegations were mixed; in Massachusetts two of the six three-member districts elected one member of the minority party, while out of the sixty-four two-member districts twelve elected mixed delegations,—a surprisingly large proportion.

the states in question seven fix the compensation in the constitution itself, while four leave it to be determined by ordinary legislation. Seven, again, grant a salary for the term or year, while the other four pay day wages; naturally included in this latter number are the two that limit their legislative sessions. In all these states, except New Jersey, the state pays the members' traveling expenses, usually in the form of a mileage reckoned at twenty or twenty-five cents for the distance traveled over the most usual route from the legislator's home to the capital and back again, once during each session. Massachusetts is here the most extravagant in allowing two dollars for every mile of ordinary traveling distance; this however covers only the journey to the capital, and not the return.

In some states there are other perquisites of considerable amount. Delaware fixes a limit of twenty-five dollars upon each member's allowance of stationery and supplies. Pennsylvania expects more from her legislators in the way of correspondence and research, for she doubles this allowance, and throws in an additional hundred dollars for postage. Such items may easily cover petty pickings, which in the aggregate cost the state a goodly sum.¹ It may prove that New Jersey has set a salutary example in ordaining that, aside from a fair and definite compensation, the members of her legislature shall receive "no other allowance or emolument, directly or indirectly, for any purpose whatever."

A considerable difference in the scale of payment in the several states is to be expected. The expense of living varies at the different capitals, and legislative service interferes far more seriously with the member's business in some states than in others. Of all the states in the Union those under discussion include both the most lavish and the most

¹ For example, in 1855 the members of the Massachusetts Legislature called upon the clerks to furnish them with penknives to the number of eight hundred and over, for which the commonwealth paid from \$1.50 to \$3.00 apiece.

niggardly in the payment of legislators.¹ New York may be unwisely extravagant in paying a salary which makes the office a tempting plum to many a needy farmer or starveling lawyer. On the other hand Rhode Island's skimpy dollar a day seems in strange accord with the dignity of a state; if law-makers are to be remunerated at all, they should be given pay higher than that of the lowest grade of unskilled labor. However, at Providence the legislature is usually in session during only four days of the week, and the members are allowed "eight cents per mile for traveling expenses in going to and returning from the general assembly." In a state 95 per cent of whose population live within twenty-five miles of the capital, and whose extremest verge is not more than fifty miles distant, the dollar wage, supplemented by the mileage, is not so preposterous as it would be elsewhere; yet, waiving any question of illegitimate gains, it may certainly be taken for granted that in Rhode Island men do not seek election to the legislature for the privilege of feeding at the public crib.

IV.

Who are the Representatives ?

For a partial reply to this question the most obvious data, of course, are afforded by the qualifications and disqualifications prescribed by the constitutions of the several states. New York and Rhode Island alone make the qualifications of members of the legislature the same as those of their electors. Seven of the states require that their senators shall be not less than twenty-five years of age;² Dela-

1 COMPENSATION OF LEGISLATORS.

Maine	Biennial . . . \$	150 00	Pennsylvania . . .	Biennial . . .	1,500 00
New Hampshire . .	" . . .	200 00	Vermont	<i>Per diem</i> . . .	3 00
Massachusetts . . .	Annual . . .	750 00	Rhode Island . . .	" . . .	1 00
Connecticut	Biennial . . .	300 00	Delaware	" . . .	5 00
New York	Annual . . .	1,500 00	Maryland	" . . .	5 00
New Jersey	" . . .	500 00			

² Maine, Pennsylvania and Maryland, 25; Delaware, 27; New Hampshire, Vermont and New Jersey, 30.

ware alone demands of her representatives also a minimum age (twenty-four years) higher than that of their electors. Maine is the most exacting in requiring that the member shall have been five years a citizen of the United States; New Hampshire senators must have been resident in that state seven years before election, although two years is deemed enough for representatives. Pennsylvania and Delaware make no distinction in the residence requirement from members of the two houses.¹ In general there is required a residence within his own district double that of the electors. With the two exceptions noted above, every state insists that at the time of his election the legislator shall be an actual resident of the district in which he is chosen.² Many of the constitutions go further and declare the seat vacant if during his term of office the member remove from his constituency.³

In the disqualifications for legislative service there is little variety. Of course the disqualifications of electors apply also to the elected; thus, no man, debarred from the ballot because of conviction of felony or of infamous crime, would be eligible to membership in the legislature. The holders of civil or military office under the United States or the given state debar a candidate; even minor municipal office in some states disqualifies the would-be legislator.⁴ Delaware rules out "any person while concerned in any army or navy contract."

Generally there is required an oath or affirmation to support the constitution of the United States and of the individual state, and to perform faithfully the duties of the office. New York incorporates in this oath a most explicit denial

¹ Pennsylvania, 4; Delaware, 3.

² In the Vermont constitution this is not specifically required, but it is the necessary inference from the context.

³ This applies to members of both senate and house in Maine, Pennsylvania and Maryland, and members of the house in New Hampshire.

⁴ A park commissioner of the city of Hornellsville, N. Y., was declared ineligible to election to the legislature. *People, ex rel. Sherwood v. Board of Canvasers*, 129 N. Y., 360, 365.

of the use of any underhanded means to secure the election. In the light of recent senatorial elections, it is of interest to note that more comprehensive definitions of bribery and corruption could hardly be framed than are to be found in the constitutions of Pennsylvania and Delaware, in the clauses which make conviction of such offences vacate the seat of the guilty party.

Positive religious tests are no longer exacted, although under the constitution of Pennsylvania it might still be considered legally possible to disqualify a member who does not "acknowledge the being of a God and a future state of rewards and punishments."¹ Maryland alone has found occasion to protect her legislative bodies from the presence of "any minister or preacher of the Gospel or of any religious creed or denomination."

The qualifications thus far mentioned are essentially negative; they declare who may not retain or be eligible to legislative office. Positive enactment is less effective. Subject to these restrictions, what sorts and conditions of men do compose our legislatures? The constitutions may ordain: "the House of Representatives shall consist of persons most noted for wisdom and virtue,"² yet a slight acquaintance with legislative halls may awaken the fear that this is to be classed as prophecy rather than as effective law. The actual personnel of legislatures can be known thoroughly only by personal contact. Some light may be gained from the "Manuals" or "Registers" of the several states, yet here, as has been said, the investigator is at the mercy of the compiler, whose carelessness or lack of interest may lead to the omission of much-needed data.³

¹ Constitution, Article I, Section 4, declares that "no one who acknowledges the being . . . shall be disqualified."

² Vermont Constitution, Chapter II, Section 8.

³ In several states the compilers have attached great importance to recording under the felicitious heading "Social State," or "Condition," the exact number of members who are married, widowers, or unmarried. In others, it is the names of the members' fathers that is deemed significant, while data as to education or previous legislative experience are neglected.

PERSONNEL OF STATE LEGISLATURES.

STATE.	CHAMBER.	Number of Mem.	Average Age.	PERCENTAGES BASED ON TOTAL NUMBER REPORTED.						OCCUPATION.				POLITICS.		
				BIRTH-PLACE.			EDUCA- TION.			OCCUPATION.				POLITICS.		
				Own State.	Neigh- boring States.	Other States.	United States.	Foreign.	Colle- giate.	Ac- ademic.	Profes- sion.	Manu- facturing.	Previous Leg- islative Expe- rience.	Republi- can.	Dem- ocrat.	Minority Parties.
Maine	Senate	31	49.3	86.6	6.7	0.0	6.7	0.0	33.3	25.8	16.1	99.0	12.9	100.0	0.0	0.0
	House of Rep.	151	48.3	78.0	6.7	0.7	4.0	13.6	40.8	28.4	28.4	13.5	18.2	84.1	15.9	0.0
New Hampshire	Senate	24	50.5	75.0	20.9	0.0	4.1	13.7	59.1	9.1	35.1	9.1	45.4	91.7	8.3	0.0
	House of Rep.	360	48.4	73.0	17.6	2.0	5.9	8.1	36.7	35.1	35.1	4.4	18.7	66.7	30.3	0.0
Vermont	Senate	30	50.3	83.3	6.7	3.3	6.7	36.7	53.3	3.3	20.0	30.0	26.7	100.0	0.0	0.0
	House of Rep.	246	48.7	85.3	12.2	0.4	2.0	2.0	36.7	53.3	57.3	2.8	11.4	82.5	16.7	0.8
Massachusetts	Senate	40	43.9	77.5	15.0	2.5	5.0	32.5	22.5	10.0	11.4	16.6	27.5	82.5	17.5	0.0
	House of Rep.	240	44.8	69.3	20.4	1.7	8.5	18.6	40.3	21.6	12.5	12.5	13.9	70.0	28.7	1.2
Rhode Island	Senate	37	50.8	76.4	16.2	5.4	0.0	8.3	47.2	21.6	12.5	12.5	13.9	91.9	8.1	0.0
	House of Rep.	72	50.2	61.1	18.1	5.5	15.3	16.7	40.3	21.6	12.5	12.5	13.9	91.6	8.4	0.0
Connecticut	Senate	24	49.6	83.3	16.7	0.0	0.0	0.0	0.0	0.0	8.3	16.7	29.2	87.5	12.5	0.0
	House of Rep.	253	45.4	79.0	15.5	1.5	4.0	0.0	0.0	0.0	42.1	7.5	15.5	71.4	28.6	0.0
New York	Senate	50	47.1	80.8	4.3	0.0	14.9	0.0	0.0	0.0	4.0	42.0	18.0	54.0	46.0	0.0
	Assembly	150	41.1	85.3	2.7	3.3	8.7	0.0	0.0	0.0	8.4	30.3	18.3	58.0	42.0	0.0
New Jersey	Senate	21	48.3	71.3	14.3	14.3	0.0	0.0	0.0	0.0	47	33.3	33.3	62.3	34.8	2.9
	Gen. Assembly	60	41.2	62.7	22.0	6.8	8.5	0.0	0.0	0.0	10.0	25.0	5.0	66.7	26.0	0.0
Pennsylvania	Senate	50	47.8	85.1	2.1	8.5	4.3	39.4	43.5	10.6	10.6	38.3	21.3	66.6	33.3	0.0
	House of Rep.	200	44.8	85.9	6.5	2.0	5.5	18.6	39.4	18.2	18.2	16.2	18.2	61.6	38.3	0.0
Delaware	Senate	17	47.8	85.1	2.1	8.5	4.3	39.4	43.5	10.6	10.6	38.3	21.3	66.6	33.3	0.0
	House of Rep.	35	47.8	85.9	6.5	2.0	5.5	18.6	39.4	18.2	18.2	16.2	18.2	61.6	38.3	0.0
Maryland	Senate	26	49.1	83.3	12.5	4.2	0.0	0.0	0.0	0.0	11.5	34.6	30.8	69.2	30.8	0.0
	House of Del.	91	41.4	84.4	10.4	0.0	5.2	0.0	0.0	0.0	27.9	19.8	27.9	53.8	46.2	0.0

*No adequate data available.

That members of the upper house are as a rule older than those of the other is to be expected; the difference, however, varies; in the Massachusetts legislature the order is reversed. In the several states the average age of senators ranges from forty-three to fifty, while that of representatives is between forty-one and fifty.¹ Within the same state surprising contrasts are often to be found. Thus in Massachusetts the average age of the Democratic representatives in 1899 was just ten years less than that of the Republicans, while the Boston Democratic members averaged more than five years younger still.² Although in most of the legislatures the Democratic members are the younger, the difference is nowhere else so marked as in Massachusetts.³

Comparatively few men of foreign birth have found their way into the legislatures. The percentage is highest in the Rhode Island house, where of the seventy-two members eleven were aliens by birth. Next come the houses in New York and Massachusetts, with a percentage between eight and nine. Tell-tale names, however, indicate that men of foreign parentage are not slow in reaching legislative office. A decided majority of every legislative body are natives of the state in which they serve; indeed the strong conservatism of long-settled communities is shown in the surprisingly large number of members who represent the town of their birth. For reasons that are not far to seek, the Connecticut house heads the list with a percentage of fifty-four.⁴

In regard to education the data are very unsatisfactory, partly because of their meagreness, and partly because such

¹ Averages are of course misleading. That the average is in the forties does not imply that most of the legislators are between forty and fifty. In the New Hampshire house more members are of that age than of any other decade; on the other hand, in the Rhode Island house, which averages highest, the largest number are between fifty and sixty, only two each being over seventy or under thirty.

² Average age of all representatives, 44.8; of Republicans, 47.7; of Democrats, 37.7; of Boston Democrats, 32.5.

³ Indeed in the lower house in Maine and in Rhode Island this order is reversed. Maine, Republican average, 47.7; Democrat, 52. Rhode Island, Republican average, 50.2; Democrat, 52.6.

⁴ In the Maine house, 38 per cent; in the Vermont house, 44 per cent.

terms as "collegiate" and "academic" have no accepted meaning in the United States.¹ From Connecticut and Delaware no data are available. The senates invariably make the better display of diplomas; New Jersey stands at the head, with three-sevenths of her senators college men. Half a dozen other senates have college men for nearly one-third of their membership. In the lower houses in Massachusetts, Rhode Island, New York and Pennsylvania, there is one college man out of every six members, while in New Hampshire and Vermont the proportion is one to twenty-three or -four.

Of the various callings represented, agriculture claims more than any other, a fact which, taken in connection with a tender solicitude for the farmer's vote, goes far toward explaining not a little recent legislation. The percentage of farmers is much higher in the house than in the senate with the single exception of Rhode Island, an exception easily explained by her system of town representation in the upper house. Vermont and Maine have the highest proportion of farmers in the senate, while New York and New Jersey have the lowest, both in the senate and in the house. Among the representatives the farmer vote is heaviest in Vermont and in Connecticut;² in each instance the unusually large proportion finds its explanation in "town rule." In the New Hampshire legislature there are a hundred and twenty farmers, and it is reported that no matter pertaining to agricultural interests comes to a vote in the legislature without having been first passed upon by this large council of "Cincinnati."

The array of lawyers as contrasted with farmers is much larger in the senate than in the lower house, with Rhode

¹ No two persons would classify educational data alike. In the accompanying table "college" includes a course in law or in medicine only when it has been pursued in some institution of wide repute. "Academic" here includes every grade of education between the college and the common public school; if there is an indication that the man has attended an academy, a high school or a "business college," he is here listed under "academic."

² In Vermont, 37 per cent; in Connecticut, 42 per cent.

Island again as the exception. New York and Pennsylvania head the list with a proportion greater than one to three. In New Hampshire, on the other hand, in spite of the enormous size of the legislature, lawyers are sometimes too few in its membership to man the committees that require the services of men of legal training.¹ In some quarters the notion seems to be prevalent that lawyers constitute the most corrupting element in our legislatures. In view of this opinion it is of interest to note that in the Delaware legislature of 1899 there was not a single lawyer in either house;—and yet it has been suspected that in that legislature guile was not entirely unknown.

Next to agriculture and the law the mercantile and manufacturing industries furnish the highest number of members; builders and contractors, and insurance and real estate agents stand next on the list. Of the learned professions, medicine is represented by a considerable number.²

In the matter of previous legislative experience it is noticeable that where town representation obtains rotation in office is emphatically the rule. This is observable especially in the remarkably low record of legislative experience in the house in New Hampshire, Vermont and Connecticut. In the last state it has been shown that in recent decades there has been a marked falling off in the proportion of experienced members who are elected.³ Town and municipal politics have often been the training school of members; in Boston's delegation it is noticeable that a very large proportion, especially of the Irish-American members, have been graduated from the ward committee and the common council into the house of representatives.

If it be asked, what made these particular men available

¹ This was the case in 1897. It is said to be due in part to the fact that important court sessions come at the same time with the legislative sessions, so that a busy lawyer cannot afford to serve.

² In the New Hampshire house there were eleven physicians; in the Pennsylvania house, fifteen.

³ "Town Rule in Connecticut," *Pol. Sci. Quar.*, September, 1889, p. 426.

candidates, some further light may be afforded by the frequent recurrence of two items in the biographical sketches. The large proportion of members who have seen service in the Union armies would seem to indicate that the soldier vote is still a power to be reckoned with and conciliated in state as well as in national politics. Again, it certainly is no mere coincidence that in the Massachusetts senate every other man is a Mason, while in the house more than one-third of the members belong to the same order. Nearly the same proportions are found in the New Hampshire legislature.¹ Other secret orders have nearly as large a representation. In none of the other states are statistics upon this point given with any apparent attempt at completeness; in each case it has simply been a matter of the compiler's interest. While such figures give no evidence of class action within the legislature, they certainly do make it clear that membership in one of the more influential secret orders constitutes a strong "pull" in securing a nomination and election. To the student of history who has witnessed within a decade the recrudescence of nativism in the American Protective Association, such figures suggest the query whether in the future history, repeating itself, may not bring another anti-Masonic crusade upon the scene.

¹ MEMBERSHIP IN SECRET ORDERS.

	<i>Masons.</i>	<i>Odd Fellows.</i>	<i>Others.</i>	<i>% of Members.</i>
Massachusetts—Senate	20	0	3	57.5
House	88	22	37	61.0
New Hampshire—Senate	11	0	8	79.0
House	113	67	34	59.4

Each man is here listed under one order, and the precedence was given the Masons as being the most numerous. Thus in the New Hampshire house there were 103 Odd Fellows; only sixty-seven appear in the table as the rest had already been listed under Masons. The number of orders in which some members claim membership is surprising. Outside of the secret orders, too, many members are wholesale "joiners." One enterprising young legislator, who in 1898 contented himself with specifying seven associations with which he was connected, in the following year advertised to the world, at the state's expense, his connection with thirty-five organizations, ranging up from a high-school alumni association.

V.

To what extent does each state's system of representation make the political complexion of the legislature vary from that of the body of voters ?

State parties are practically unknown. For reasons too familiar to need enumeration here, nine voters out of every ten in a state election cast their ballots in unquestioning loyalty to a party based on tariff, currency or even more remote issues. However theorists may criticise such political action as unreasoning and disastrous to the best interests of state government, there is force in the voters' claim that the representative body should reflect their expressed will with no serious distortion from the media through which it passes. That a certain "tolerance" is inevitable no one will deny. To what extent the actual divergence is due to district voting, together with gerrymandering, is a question that cannot be answered with precision. Statistics giving the total vote for all candidates of the several parties are available from only a few of the states. A rough approximation may be reached by comparing party strength as found in the legislative bodies and as expressed in the vote for state officers chosen at the same election. Many qualifications must of course be borne in mind in instituting such a comparison: although 1898 was not the year of a presidential campaign, nevertheless the state elections of that year were by no means typical, for foreign relations gave national politics an unusual dominance; an individual candidate, whether for governor or for law-maker, may run far ahead of or behind his ticket; the smaller parties often put forward no candidates for the legislature in districts where their gubernatorial candidates poll considerable votes; an approaching election of United States senator always throws its shadow into the local campaign; fusion candidates frequently cause party lines to be hopelessly blurred, as in the last Pennsylvania

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and Delaware elections. Yet, after every allowance has been made, the results of the comparison are striking.

Party Votes Compared with Party Representation.

STATE.	PARTY.	Percent- age of vote for Governor.	Percent- age in Senate.	Percent- age in House.
Maine	Republican	61.0	100.	84.1
	Democrat	32.2	0.	15.9
	Prohibition	3.1		
	Populist	3.7		
New Hampshire.	Republican	54.2	91.7	69.7
	Democrat	43.2	8.3	30.3
	Prohibition	1.6		
	People's	0.1		
	Socialist Labor	0.3		
	Socialist Democrat	0.4		
Vermont.	Republican	71.0	100	82.5
	Democrat	27.0	0	16.7
	Prohibition	2.0	. .	0.4
	Independent . . . . .	. .	. .	0.4
Massachusetts .	Republican	60.2	82.5	70
	Democrat	33.9	17.5	28.7
	Socialist Labor	3.2	. .	0.8 ¹
	Prohibition	1.5	. .	0.4
	Democratic Social	1.2		
Rhode Island .	Republican	57.7	91.9	91.6
	Democrat	30.8	8.1	8.4
	Socialist Labor	6.7		
	Prohibition	4.7		
Connecticut . .	Republican	54.1	87.5	71.4
	Democrat	42.9	12.5	28.6
	Prohibition	0.9		
	Socialist Labor	2.0		
New York . . .	Republican	49.	54.	58.
	Democrat	47.6	46.	42.
	Prohibition	1.3		
	Socialist Labor	1.7		
	Citizens' Union	0.1		

¹ Independent.

STATE.	PARTY.	Percentage of vote for Governor.	Percentage in Senate.	Percentage in House.
Pennsylvania .	Republican	49.0	74.	62.3
	Democrat	36.8	26.	34.8
	Prohibition	12.9		2.9
	People's	0.2		
	Socialist Labor	0.4		
	Liberty	0.05		
	Honest Government	0.4		
New Jersey . .	Republican	48.9	66.6	61.6
	Democrat	47.5	33.3	38.3
	Prohibition	2.0		
	Socialist Labor	1.6		
	People's	0.1		
Delaware . . .	Republican	19.0	} 58.8	71.4
	Union Republican	35.3		
	Democrat	45.7	41.2	28.6
Maryland . . .	Republican	50.1 ¹	69.2	53.8
	Democrat	47.2 ¹	30.8	46.2
	Prohibition	2.5 ¹		
	Socialist Labor	0.2 ¹		

VI.

To what extent is the representative system elastic?

The nineteenth century has witnessed few changes more significant than the rapid drift of population toward cities. The first census records but thirteen cities within the United States with more than 5,000, and none with more than 40,000 inhabitants. In 1840, 8½ per cent of the people were living in cities of 8,000 and over. The census of this year will classify nearly 40 per cent as city dwellers. Not only is city population on the gain but it is the large cities which are growing most rapidly, while in many of the older states rural population has not simply failed to keep pace, it has actually decreased. Before a score of years shall have passed it is estimated that in the United States urban and rural population will be about equal.

¹ Vote for Comptroller.

How far have the representative systems been responsive to this transformation?

In most of our states to-day the representation of large towns is subject to restraints of two kinds: first, the intentional, and, second, the accidental or hereditary. Of the intentional limitations, mention may be made first of apportionment ratios which introduce an increasing mean number of difference for successive members.¹ Some constitutions curb the power of cities directly by fixing a maximum of representation for any single political unit.² Thus in the Rhode Island House, no town may have more than one-sixth of the total number of representatives to be elected; the same provision obtains as to the separate representation of any town or county in the Pennsylvania House. The recently revised constitution of New York limits the Greater New York's membership in the senate to one-half of the body. The rapid growth of the metropolis has already

¹Of this familiar device the states now under discussion afford the following illustrations:

Maine House of Representatives.

1	representative to each town of	1,500 inhabitants.
2	"	" 3,750 "
3	"	" 6,750 "
4	"	" 10,500 "
5	"	" 15,000 "
6	"	" 20,250 "
7	"	" 26,250 "
7	is the maximum.	

New Hampshire House of Representatives.

1 : 600, 2 : 1,800, etc., 1,200 being the mean increasing number.

Pennsylvania House of Representatives.

Ratio, population of the State divided by 200. Every county containing less than 5 Ratios receives an additional representative for a surplus greater than one-half a Ratio. To counties containing 5 + Ratios is given one representative for each full Ratio.

Much the same provision holds in New York senate.

Maryland House of Delegates.

2 representatives, each county with population of 18,000 or less; 3, 18,000-28,000; 4, 28,000-40,000; 5, 40,000-55,000; 6, 55,000+.

6 = maximum.

²In several instances (the house in both Maine and Maryland), this maximum provision supplements a diminishing ratio; in others it acts independently.

absorbed half the population of the state; until the constitution undergoes amendment its power in the senate must remain a constant.

Another form of limitation upon the power of the most populous communities arises from guaranteeing a certain minimum of representation to each political unit;¹ this may so narrow the disposable surplus as to make the approach to proportionality to population very remote. Thus in Rhode Island each town is allotted one representative; as the membership of the house is limited to seventy-two, this leaves but thirty-five to be apportioned according to population. In Connecticut the giving to each of the eight counties two senators out of the possible twenty-four cuts down the margin to a very narrow limit. Moreover, as no city may be divided in the forming of a senatorial district, it results that in a county containing a large city only one senator can be elected from the city, while three are chosen from the rural portion of the county. The obvious remedy would be to increase the number of senatorial districts, but the difficult process of constitutional amendment makes the defeat of any such proposition easy.²

What may be called the accidental or hereditary restraints are to be found in the provision which in many of the legislative bodies, as in the federal senate, grants precisely the same number of members to each local unit, however diverse in population. This form of equality grew naturally enough out of primitive conditions; as little townships were set off, or as miniature commonwealths federated, as in Connecticut and Rhode Island, equality seemed the natural solution. If

¹ Illustrations: The senate in Vermont, Connecticut, and Maryland; the house in New Jersey and Pennsylvania.

² A proposed amendment, having been passed by the house in one legislature, must be passed by a two-thirds majority in each house of the next legislature, and then submitted to the people at the polls.

Such a proposed amendment, passed by the house of 1893 by a vote of 158:54, and by the next house by a vote of 138:51, was defeated in the senate by a vote of 6:15. A similar measure is to come before the legislature at its next session, having been passed by a *viva voce* vote in the house of 1899.

diversities in population were considerable, still the type of community did not greatly vary. That the system worked well for a century and a half no one is disposed to deny. But "time makes ancient good uncouth." In the Rhode Island Senate each town is entitled to one member. As a result West Greenwich and Providence are equally mated; while five cities in the state contain $64\frac{1}{2}$ per cent of the population and 70 per cent of the assessed valuation of the state, they have a representation of only $13\frac{1}{2}$ per cent in the senate and $44\frac{1}{2}$ per cent in the house.¹ In Vermont and in Connecticut it is in the lower house that this peculiar brand of equality is to be found. It is of interest to compare these two states, because Vermont was in part settled from Connecticut, and her constitution was in some degree modeled after the charter of the older commonwealth, and also because the unforeseen changes which have rendered the system odious in Connecticut have had comparatively little effect in Vermont where population for the past decade has remained almost stationary and is comparatively homogeneous, and where the growth of large industrial cities has been unknown. Connecticut, on the other hand, has seen a rapid growth and also an astonishing redistribution of her population. Since 1818, repeated, though grudging, concessions have been made to the new order of things, with the result that the Connecticut Legislature of to-day represents as illogical and distorted an "equality" of representation as could well be imagined. That it is merely illogical, unsystematic, is the least of its faults;—square-cornered districts containing precisely the same number of voters are not the highest *desiderata*;—the worst is that in neither house is there any considerable degree of adaptability to changing conditions. All is fossilized. Thus the senate has ceased to be a popular body. In the house it is difficult to see what is

¹ For these statistics as well as for other interesting comments on representation in Rhode Island, I am indebted to Professor James Q. Dealey, of Brown University.

represented. It certainly is not population, for to-day more than half of the population of Connecticut live in cities of 15,000 and over, yet these elect less than one-tenth of the members in the so-called "popular" chamber. It is not wealth, for the bulk of the wealth, as well as the population, is already in the cities, and the tendency is more and more in that direction. It is not industrial interests, for Connecticut ranks as a manufacturing and commercial state,¹ yet these classes find but small recognition in the mass of country legislators, whose handiwork is to be recognized in much of the legislation in regard to business topics. Nor is it the town,—“the egg from which the state sprang,” as the apologists for the Connecticut system ecstatically call it; for, if the town is the basis, why do some towns, incorporated before 1818, still receive but one representative? Is the inadvertence or parsimony of the fathers to be accepted as the highest wisdom for all ages?² Why do new towns to-day receive but one representative? Why is a second accorded them when they reach the five thousand mark? Town representation in Connecticut veers away from principle enough to make the claim that the sanctity of existing town representation must be kept inviolate the veriest cant. Meantime the discrepancies are of the grossest and are yearly growing.³

Much might be said in favor of constitutional provisions

¹ In the census of 1890 Connecticut's record was as follows:

Total number of persons in gainful occupations	317,014
“ “ in agriculture, fishing, mining	48,676
“ “ “ trade and transportation	49,383
“ “ “ manufacturing and mechanical industries, 146,397	

Census of 1890, Statistics of Population, Table 79.

² *Supra* p. 69.

³ A dozen years ago there were sixty towns in Connecticut each having less than 300 electors. Casting less than 8 per cent of the vote of the state they elected more than 30 per cent of the members of the house. The significant fact is that during the decade, 1880-1890, of these sixty towns only ten increased in population, their aggregate gain being 933; of these ten the only town which elects two representatives is Pomfret, and its increase in population during the decade was from 1,470 to 1,471! The other towns, including fifteen with the right to elect two members, lost in the aggregate 7,945.

fixing a limit upon the power over legislation which might be exercised by the thronging millions of a great metropolis. New York has done this,—very likely, wisely. Something may be said in favor of limitation by a diminishing ratio; there are those who believe that corruption in politics has its home only in cities, and that such limitations on the representation of city populations do but give the greater scope for the regenerating influence of the country lawmaker. Those who have had close contact with legislative halls will be least likely to be dogmatic as to the precise abode of virtue.

It is sometimes asserted by apologists for the Connecticut situation, that “no argument against town representation in the Connecticut House has been advanced that cannot be urged with equal or greater force against equal representation of the states in the United States Senate.” There is this much of superficial likeness: in each instance two members are accorded to units having very unequal populations. Here, however, the analogy ends. In the first place, it does not hold in theory. Whatever they may have been two centuries ago, the towns are not now quasi-independent commonwealths.¹ Regarding property, education, the family, they make no general laws to which only their inhabitants are subject. They are noble agencies of local government, subject to the frankly acknowledged dominance of the state. In the second place, the analogy does not hold in experience. That there are certain evil features in our federal senatorial system is not to be denied, but careful study fails to show that the small states make common cause against the large, or *vice versa*,² the states of small population are widely distributed and are of diverse character and

¹ The Supreme Court of the state has given emphatic assertion to the principle that a single town is the creature of legislation, and has legally no reserved rights. *Webster v. Town of Harwington* (32 Conn. Reports, 131. Other decisions of similar import are there cited).

² This subject is thoroughly presented in an article by S. E. Moffett, in the *Political Science Quarterly*, July, 1895.

interests. On the contrary, in the Connecticut Legislature the representatives of the small towns have repeatedly passed laws which hampered the cities, and have shifted burdens upon the cities in such manner as to make the old cry "no taxation without representation" take on a new significance.

It has been noted that while such states as New York and Pennsylvania have been but indifferently represented in the federal senate, the smaller states have often—unfortunately not always—honored themselves by electing their ablest men senators and by keeping them in service term after term.¹ The working of town representation in Connecticut produces very different results. It offers small inducements to the best, and speedy retirement to all.

Patriotic men of all parties deplore the prevalence of corruption at the polls in New Hampshire and Connecticut, yet surely this is no independent phenomenon. When in the same election 101 votes in Union secure in the house exactly the same weight as 18,352 in New Haven, it is not surprising that parties are evenly divided in the small towns.² It is there that the real campaign is fought. Matter-of-fact rumor a few years ago declared that competition established fourteen dollars as the price of votes in one of the towns mentioned. There has been much agitation for change, yet so firm is the alliance between zealous partisanship and the small country towns, jealous of their ancestral representation, that the champions of reform dare advocate nothing so radical as the diminishing of any town's present quota. It is palliatives, new patches upon old garments that they urge, and these are promptly killed in the house by a *viva voce* vote.³

¹ Bryce, "The American Commonwealth," 1891, vol. I, p. 98.

² Election of representatives, in 1898.

³ Five years ago a bill was introduced by a New Haven member, providing that "each town of 15,000 shall be entitled to three representatives and another representative for each 5,000 additional population." This would have introduced some elasticity into the system. It would have raised New Haven's delegation from two to twenty, and would have made provision for the future expansion of cities.

Such facts as the foregoing would seem to show that even in the oldest and most conservative of our commonwealths the federal suffrage is conferred on very different terms; that the assemblies which elect federal senators differ widely in size, in personnel, and in the basis upon which they are elected; and that, although equal representation is the ideal set forth by the constitutions, there is utter disagreement as to what constitutes equality of representation, while in their attempt to realize it most of the states, by clinging to its letter, have sacrificed its spirit.

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But such a measure would make the legislative body bunglingly large, raising the membership immediately to 300, a decade or two would make the house more unwieldy than that of New Hampshire. Moreover, this bill did not touch one fundamental injustice; while it made the city ratio 1 : 5,000, it left to the ghosts of ancient towns so preposterous a ratio as 1 : 200.

It is needless to say that even so slight a modification of the present system received short shrift at the hands of a house controlled by the members from small towns. It was rejected by a *viva voce* vote.

A DECADE OF ECONOMIC THEORY.¹

The brevity of the time allotted to me for this retrospect compels me to content myself with a sketch in rough outlines, for to follow the temptation to go at all into details would necessitate a far longer paper than could be read in twenty-five minutes. After all, it may be questioned whether a longer review is desirable in a paper to be presented on an occasion like this. It is extremely helpful at times to take a general survey of ground traversed, so that we may know whence we have come, how far we have traveled, and whither we are marching. When we study this small detail and that little incident of the decade we do not so clearly perceive the broad lines of progress.

Whence have we come? Where did we stand in economic theory ten years ago?

But perhaps first of all we should have some definite ideas in regard to what we understand by economic theory. The term is frequently employed as equivalent to deductive investigation in economics, and sometimes science is used in this restricted sense. The term economic science, for example, was thus used by John Stuart Mill, and in his discussion of competition he placed beyond the range of economic science all those economic inquiries which could not be conducted by deductive processes. Is this restricted use of the terms theory and science justifiable? It scarcely seems to me that we can find warrant for this limitation either of theory or of science.

It is surprising how little attention has been given to the term theory when we reflect on the frequency with which it is used. If we recall the use of the term in certain well-known cases, we may receive help. We have various theories of language,—for example, the bow-wow theory. We

¹ An address delivered at the meeting of the Academy, December 14, 1899.

have the undulatory theory of light, the theory of special creation, the theory of evolution, the atomic theory, the Young-Helmholtz theory of color. In each one of these cases we use the word theory to indicate a special or particular mode of explanation of groups of concrete phenomena. The theory is supposed to show how definite orders of things have happened, and from these theories we reason deductively. The theory is a generalization. Then we have such expressions as the Austrian theory of value, which is a definite mode of explanation of value. So we might continue our illustrations indefinitely. Theories deal with explanations of things, and in theories we ascertain a clearly marked endeavor to give as large and sweeping generalizations as possible. A great theory is one which explains such large classes of phenomena in their most fundamental aspects that it illuminates them in an unusual degree and furnishes a point of departure for new researches of any kind. A theory of less import is that which explains smaller groups of phenomena and reaches down less deeply into them. Theories are conclusions of a general nature concerning phenomena; some of the theories being of more, and others of less, significance. All workers in a science are concerned with theory, and it is deplorable that any one should regard himself as concerned with anything else but theory. Any one not engaged in theory would be busied simply in a haphazard collection of facts.

Similarly, the word science means an organized body of knowledge, however gathered together, whether deductively, inductively, or statistically.¹

However, those called the theorists are those who pre-eminently seek the most general and fundamental causes of phenomena, and they employ largely deductive methods of reasoning, as deduction is essential for the widest generali-

¹ I do not think that causal relations and prediction are the boundaries of science, although it is doubtless true that as any science progresses it reveals increasingly causal relations and its power of prediction grows.

zation, although in every case concrete study must precede or accompany deduction.

It is thus seen how from our point of view it is simply folly to disparage economic theory, which aims to bring into their proper relations the orders of phenomena with which economics is concerned, and to show their causal relations. Complete theory would be complete knowledge, and it is for that that we are striving. When theory is decried, what is really meant is imperfect theory or wrong theory, or wrong methods of reaching theory.

When we survey the past decade in economic theory and then look back from that over the preceding decade, it becomes quite clear that the important theoretical developments of this decade may be traced back to germs in the previous one. I think that this is a general truth which lacks even the proverbial exception. Again, when we look at the present condition of economic theory, we must confess that we have every reason to think that the completion of theories which are in the process of growth will take us well on toward 1909. On the other hand we do not need to go back of 1879 to find marked beginnings of the present developments of economic theory in the United States, and in my own opinion by 1909 new growths may be expected to dominate the field of economics. If this prognostication is correct, the past decade is a middle period in a scientific cycle.

Continuing our broad survey from another point of view, we take up one by one the old traditional divisions of our subject-matter into production, exchange, distribution and consumption, and inquire in what fields pre-eminently has theoretical work been done during the past decade? There can be no doubt about the answer. Production has been so sadly neglected that it is difficult, if not indeed impossible, to recall any important piece of original work which belongs to this field, although here and there some one is, I think, beginning to say that this portion of our

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territory has been too long neglected and that in it are grand opportunities. Something has been done with that portion of exchange or transfers of goods which is concerned with the media of exchange, or to speak more definitely, money and its substitutes. The controversy concerning bimetallism and monometallism has continued with first rising and then declining interest, and with a strengthening of those theories which the term monometallism covers at the expense of those which fall under the term bimetallism. I think we cannot deny this whether we like it or not. But while there has been a certain shifting of theories with respect to strength, there has been comparatively little that is positively new. It may be mentioned particularly that the quantity theory of money has been vigorously combated, and I think we may claim fairly that along this line there has been a development of theory. It is not easy to single out names, for the past decade has witnessed a considerable amount of good theoretical work in the field of money, but in the present connection the work of Professor J. Laurence Laughlin and the noteworthy article contributed to the *ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE* by my colleague, Professor William A. Scott, occur to me. I think also that there has been a minor development of theory which has attempted to throw light on the relation between an increasing value of money and a declining rate of interest, justifying the former by the latter, and again two names occur to me, —namely, those of Professors Irving Fisher and J. B. Clark.

It is when we come to distribution and consumption that we find the departments of economics which have been the centres of interest, so far as economic theory is concerned, and these two departments of inquiry which occur to any one in connection with economic theory in the United States during the past decade, may almost be reduced to one, inasmuch as consumption has been pursued chiefly with reference to a theory of distribution. If that statement puts the

case too strongly and fails to do justice to the theory of consumption, we can at least say that distribution in its various aspects has been the main centre of interest with respect to economic theory. In this connection, two names suggest themselves to any one who listens to me. They are the names of Professors J. B. Clark and Simon N. Patten. I must on this occasion give a few moments to the theories of each, reserving to other times and places an exhaustive discussion of their theories.

It is simply impossible to separate the work Professor Clark has done during the past ten years from his earlier work. To understand his theories and the direction in which he is moving, as well as the ground already traversed, we must go back to his earlier writings, which belong to the first half of the decade 1880-90. I find it convenient to take as a starting point Professor Clark's article, "Non-Competitive Economics," which appeared in *The New Englander* in November, 1882, and was reprinted in 1885 in his "Philosophy of Wealth." When we compare this article with recent utterances, we must say that it is a long road which Professor Clark has traveled during the past twenty years, and if we follow his evolution step by step, we shall say that a large proportion of the distance has been traveled during the past ten years.

The article "Non-Competitive Economics" is thoroughly saturated with ethical feeling. Emphasis is laid on the economic end of society, which is defined in these words: "The attainment of the greatest quantity, the highest quality and the most just distribution of wealth." It is there boldly stated that "the actual wealth of society varies more or less from the ideal standard and is but partly rational. Much of it," Professor Clark continues, "is not of high quality, and much that is so, is not well distributed." The imperfect workings of competition in various quarters of the industrial field are enforced, and co-operation, both public and private, is exalted. Government ownership of railways

is held to be both probable and desirable in the United States as well as elsewhere. It is argued that railways will promote the general welfare only so long as it is in their interest to do so. It is stated that recently the railway companies in our country or their managers "have often had much to gain by thus sacrificing the welfare of the inhabitants of the districts through which they pass. Discriminating rates for transportation, as well as other abuses, have recklessly made or marred the welfare of sections of the country, and are tending to hasten the time when only the assumption of railroads by the state can prevent evils too serious to be tolerated. The state only can secure for itself all the utilities which these agencies create, and ensure their impartial distribution among those who are dependent on them."

Arbitration is emphasized as "in its nature a very direct though as yet incomplete assertion of the moral law," and advocated as an agency belonging to "the forms of non-competitive economics" for the adjustment of wages.

The highest ethical forms of wealth, which, it is asserted, have been neglected as a result of illogical conceptions of wealth, are described and their place in economics indicated. Church and school are especially mentioned in this connection.

Competition, if supreme, Professor Clark claims, would be supremely immoral. It exists, we are told, simply "by sufferance," and "a superior power stands ready to abolish it whenever it fails to fulfill its end. It is an imperfect agent of moral law, and a man who thus recognizes it may participate in it without taint." Professor Clark concludes his article in these words: "The bad effects of the contest he (*i. e.*, the man thus recognizing competition) does not need to suffer; and to the lower levels where the golden calf worship is unhindered and blighting he does not need to descend. It is his privilege to live on the mountainous slope at the summit of which moral law reigns. He may

buy, sell and get gain, as well as give thanks and worship, with his eyes uplifted to the hills whence cometh his help."

In the preface to his "Philosophy of Wealth," written in 1885, we find it stated that a degraded conception of human nature (has) vitiated the distribution of wealth, and the closing words, which describe the purpose of his book, are as follows: "The place which it primarily seeks is in the hands of readers and thinkers who have long been in revolt against the general spirit of the old political economy."

I lay emphasis upon ethical purpose in this earlier work because it gave shape and direction to the theoretical developments, some of which I have pointed out. The development of wealth so as to include higher forms theretofore neglected, and the wide field of non-competitive economics may be instanced. In fact the entire discussion of competition may be cited. The critical student will notice, however, that even in 1882 moral beauty was discerned in an ideal sort of competition, a competition hedged about with moral limitations and presided over by "the spirit of justice." Of competition thus understood, Professor Clark said: "The principle whereby the struggle of many men, each for himself, to secure wealth, is made to work out the general good of all, has all the beauty claimed for it." Note this carefully, for this is a germ of later development of theory. Presently that which was apparently last shall become manifestly first.

Purpose, then, clearly dominates the earlier as well as the later theoretical developments of Professor Clark; but in the earlier writings, serious, grave imperfections were found in our existing order, and the purpose of our theorist was to work for a coming kingdom of righteousness, shrinking from no overturnings necessary to accomplish this end. That was the time, as those with good memories still recollect, when Professor Clark was numbered among the "dangerous men" marked out for slaughter by the Scribes and Pharisees, and when his friends still felt called upon to

show that those who regarded him as dangerous misapprehended the true nature of his teachings.

In the year 1887 a sharp turn in the direction of Professor Clark's evolution is clearly discernible. I have in mind particularly his article on "The Limits of Competition," which appeared in the *Political Science Quarterly* in that year, and which was reprinted in 1888 in the "Modern Distributive Process," together with another article by himself and two by his present colleague, Professor Giddings. We now begin to detect the development of the theory of latent, potential, and residual competition—we have here in reality one conception—and this competition is looked upon as one chief reliance to secure justice, even when combination is apparently swallowing up competition. There has been in Professor Clark a marked development of theory along that line from that time up to the present.

Another noteworthy germ of subsequent theoretical development is found in these words in Chapter III¹ of "The Modern Distributive Process:" "Pure mercantile profit is the only conceivable sum from which great additions to general wages can come. This profit is in reality a vanishing sum, having in a competitive system only a temporary existence."

The monograph "Capital and Its Earnings," published in 1888 by the American Economic Association, shows the reaction in theory well under way. It contains a passionate defence of landed property, particularly directed against the schemes of the late Henry George, which are termed more than robbery, being indeed, to quote Professor Clark's own words, "the quintessence of robbery." The theoretical development which leads to this conclusion consists in reducing to very low, if not vanishing terms, the Ricardian conception of rent of land as unearned income and in developing the theory that landed rent consists of little else than an honest, because earned, return for capital-investments.

¹ These words are quoted from the "Table of Contents."

Subsequent developments of theory along this line endeavor to show that capital earns its hire.

The theory of wages, developed elsewhere by Professor Clark, finds that the wage-earner has what he produces. All the value which he adds by his exertion to the materials upon which he works, as well as all the value of his services, comes to him by the workings of competition. Unhappily the limitations of time are such that I cannot now elaborate this thought.

The concepts monopoly and rent play a subordinate rôle in Professor Clark's theory.¹ We have already found that what goes by the name rent of land is usually profits on capital, and earned profits at that. Naturally it is to agricultural rents, rather than urban rents, that attention is chiefly directed in the monograph which has received mention. Similarly, in what has been published thus far small room is made for gains of monopoly as a separate sort of revenue. It would seem as if place were not found in Professor Clark's theories for monopoly gains, so absolutely and relatively large as to be of *vital* significance.

Another feature clearly marked in the development of Professor Clark's theories is the search for natural and universal law, giving us what appears very like a return to the nature-philosophy of the eighteenth century on the one hand, and to absolutism of theory on the other. Similarly the optimistic trend of his theories is so marked as to suggest the optimism of Frédéric Bastiat and his economic harmonies.² Did time permit, abundant illustrations could be furnished.

¹ It should be noticed that I admit the existence of these concepts in Professor Clark's theory.

² It is not asserted that everything according to Professor Clark is now exactly as it should be, although a bright side and a very bright side to nearly all existing economic conditions is found clearly implied in his writings. It is doubtless true that Professor Clark advocates a larger amount of governmental activity to maintain the natural competitive order than did Bastiat. This is brought out in Professor Clark's recent discussions of combinations (trusts). Very sensibly, in my opinion, he rejects the notion of interference with the growth of combination

In 1899, as in 1885, the ethical note is heard, although it is somewhat subdued; but its import is quite different. The purpose which dominates the development of Professor Clark's theory now is a justification of the competitive order of industrial society, and the dawning beauty of the rising sun seen in 1882 has now become the bright effulgent glory of the noontide. The ethical purpose is seen, for example, in the discussion of interest, in the "Genesis of Capital," which appeared in November, 1893. Capital is traced to abstinence, and this abstinence is regarded as a manifestation of altruism as well as a triumph of reason. The gains of accumulation accrue "through an endless period to an unknown series of persons, and in amounts that cannot be determined;" consequently, "the things that are eternal are literally unseen," and again the growing accumulations of capital are already interpreted to mean "the increasing power of the things unseen," and "the growing power of reason and altruism."

Other points to which attention must be called, although no more than mention is now possible, is the distinction between capital and capital-goods, in which there is a differentiation from Dr. von Böhm-Bawerk, and the distinction between static and dynamic forces in economics—a distinction of which Professor Clark promises in the future a much fuller development than we have thus far had.

I regret that I cannot give more time to these two interesting points. The distinction between capital and capital-goods as found in Professor Clark's writings is one which must in the future receive more careful critical attention than it has as yet, so far as I know, received. Upon it rests the distinction which he makes between interest and profits, and it plays a large rôle in the rent discussion, found in his monograph—already referred to—bearing

except in so far as monopoly in the true meaning of the term makes its appearance; but to prevent monopoly and maintain competition he is prepared to go very far, extending interference even to a very widespread price-regulation.

the significant title, "Capital and Its Earnings." Land-rent is to him essentially earnings of capital, and here we come back to economic optimism.

The distinction between static and dynamic conditions and influences introduces a change in the conception of natural law. For natural law changes with growth. Static conditions give us market price equal to minimum cost with an absence of pure profit. Dynamic influences restore net profits for employers, but the forces of competition quickly lay hold of these net profits and distribute them among laborers and capitalists. It is only a further step in progress that enables employers to secure once more net profits, again to be turned over to others by the forces of competition.

Finally, I wish two things borne in mind. I am not now and here expressing my own views concerning these theories, and it is not safe to infer them from what I have said. I am trying to present objectively an interesting development of theory, a development, let me say—for so far I will express my opinion—with which I am not altogether out of sympathy. In the second place, I am speaking about the developments of theory during the past decade, and I have no desire to assume the rôle of a prophet. We are even now awaiting with keen interest the advent of a long-promised work by Professor Clark, and when that appears it will be in order to review once more his theories, which when more fully and more adequately presented than they have been thus far, may as a whole take a somewhat different shape. We shall see. I cannot close without giving expression to my appreciation of the debt which American economics owes to Professor Clark for his careful, painstaking analysis, and for luminous expression of doctrine, as well as for his earnestness and elevation of spirit.

Professor Patten has approached the entire problem of economics from the standpoint of consumption, and I can at the outset of my characterization of his theories do no better than quote words which I wrote some years since:

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"The theory of consumption is with him the root doctrine out of which his entire economic system naturally grows. The two works of his to be specially mentioned in this connection are his 'Consumption of Wealth' and his 'Theory of Dynamic Economics.' Another truth emphasized by this writer is the importance of studying the laws of change in human society rather than simply the laws which govern it in equilibrium.

"In this place especial attention is called to Professor Patten's theory of prosperity. It is, in brief, as follows: 'The prosperity of society is measured by surplus utility, which is the difference between the costs and the utilities of goods. Cost means sacrifice from the social standpoint, the pain, the economic energy expended. . . . Whatever increases utilities, other things being equal, increases social surplus; similarly, whatever lowers costs, other things being equal, increases social surplus. What then are the causes increasing utilities? Variety of consumption, as seen in increasingly harmonious consumption, is one. A large number of commodities suitably related in consumption increases pleasure derived from consumption, and therefore utilities. The consumption of commodities which give pleasure and sustain life at the same time increases pleasure over the consumption of articles which merely sustain life. Well-prepared food may thus be contrasted with poorly cooked food, beautiful garments with ill-fitting clothing. The socialization of consumption is one of the most important means of increasing utilities. By this we understand the common use of goods and services. Paintings in public galleries afford indefinitely greater pleasure than the same pictures in a private house. Beautiful objects of nature have their utility increased by socialization. . . . Inclusive rather than exclusive pleasures must be our aim. Fuller utilization of existing resources by economies increases the social surplus, as well as the utilization of new resources. A larger command of nat-

ural forces increases the supply of utilities, and thus the surplus.

"On the other hand, a decrease of costs may be brought about in many ways, which may be summed up under the general head 'Better Industrial Organization.' The division of labor, so well described by Adam Smith, is one form which this improvement takes. The territorial division of labor is another. Improved industrial leadership is still another. Increased capital facilitates industrial organization.

"This increasing surplus is a monopoly fund, and this monopoly is found everywhere in our industrial field, and the problem of a better distribution finds its heart in the disposal of this surplus. What use shall be made of it? It is chiefly a social product to be socially controlled, and wise taxation is one of the means advocated by Professor Patten. Such taxation will favor the dynamic forces in society."

To this quotation it should be added that the educational program of Professor Patten springs naturally from his economic theories. His purpose, among other things, is "to develop the mental qualities and feelings active in production," to develop "strong social feelings with intimate social relations," "a lofty ideal of society with a strong feeling of hostility to selfish aggression." Education must develop the psychical elements and it must be the result of state activity in retaining the surplus in production for educational purposes. And education must favor a dynamic policy and help us to pass over from the pain economy of the past to the pleasure economy which should be ours in the future. With increasing command over nature, giving us larger resources, the time has come for us to pass over from an economy in which we seek to avoid pain,—disutility,—as a chief thing to an economy in which we may seek positive pleasures.

Professor Patten's development of theory is as clearly marked by purpose as is Professor Clark's, but the difference

in purpose between these two is most fundamental, and it not merely separates these two from each other, but divides economists and social philosophers into two great groups. Professor Clark's purpose is to justify the present socio-economic order in its essential aspects, not, indeed, as the best one which could be devised, but as the one established by beneficent nature. It is necessary simply to clear away things which are not in harmony with this order, especially obstacles in the way of competition, to give us a society working absolute justice among men in their relations to each other and producing a perfect economic basis for human society, so that any ills still remaining would find their cause outside the domain of economic life. Professor Patten holds that nature stands for forces which men are to use in order to give shape to a society constantly progressing toward perfection. It is for society to control its own destiny, and society is responsible for the use made of opportunities afforded by nature. Nature, if left to herself, would give us a static society, in which privileged classes would absorb a large quantity of economic surplus. Competition left to itself as a natural force, results in giving to monopoly a vast share of wealth produced. Now while everywhere in the field of economic life there is, according to Professor Patten, monopoly, even marginal producers enjoying a portion of monopolistic surplus, there is a large free surplus to be absorbed by exclusive monopolies unless society organized as state steps in and uses this for social purposes. It is thus that Professor Patten's theories lead him to emphasize as he does an active policy of government, whereas Professor Clark emphasizes less and less governmental activity. Professor Clark, holding that there is no great fund from which wages can be increased, looks with little favor upon efforts to make government a model employer, establishing wholesome conditions of employment with respect to labor-time and remuneration. Anything thus gained would be taken away from the legitimate earnings

of others, there being no large surplus fund of individually unearned wealth¹ out of which such gains could safely come. Professor Patten, on the other hand, sees sources of wealth which can and should be utilized for the general good. Professor Clark emphasizes individual rights, and is thus alarmed by attacks on private property, while apparently having a less open eye for raids on public property and the occasional wholesale robbery which deprives society at large of valuable economic rights. Professor Patten, on the other hand, emphasizes the idea of society, and is solicitous about social rights and privileges which he would safeguard by an active policy of government. It would be interesting to continue this comparison, but I must hasten on.

It is my opinion that too little attention has been given to the theoretical work which many other thinkers in the United States have accomplished during the decade now drawing to a close. Here and there work has been going forward of theoretical importance. It may be that in cases this theoretical work is cut out on an equally large scale and is quite as ambitious in purpose as that of the two economists mentioned, although not enough of it has as yet seen the light to make clear its true nature. It is doubtless true, however, that the work in theory on the part of economists has largely consisted of the development of separate doctrines which it has been hoped to fit into a general framework of theory derived from others.

Having discussed the two theorists, Professors Clark and Patten, may I be permitted to say a word about my own work in theory, as this work so naturally finds its place in my paper at this precise point? It has been asserted, I believe, that I do not care for theory and that my own interest has been mainly in the direction of popular work. Nothing could be further from the truth. The error proceeds from making what has been incidental with me appear

¹ According to Professor Clark, such surplus as there is, is for the most part needed as a dynamic force.

to be the main thing. For years I have been working on what could perhaps be called a system of economic philosophy under the title, "The Distribution of Wealth," which, if my plans are carried out, will at least have the merit of magnitude. One volume, on "Monopolies and Trusts," is already in print, and as soon as they can be suitably revised, three or four other volumes will be ready for publication, while several volumes remain to be written. But in the popular work of previous years, which I have from time to time given to the public, there have been developments of theory which have been in many cases overlooked, doubtless on account of the popular setting in which they have frequently been found.

Confining myself to what has been put in print, I will say that I have endeavored to formulate clearly the idea of monopoly, to explain the causes of monopoly, to draw sharp lines between various classes of monopoly, and, reaching my conclusions more objectively than Professor Patten, to show how wide the extent of monopoly; and I have explained the old statement that monopoly price is the price which yields highest net returns to the monopolist in such a way as, I venture to hope, to add something to it. In particular, I have brought forward the principle that monopoly price is class price, varying from economic class to economic class. Finally, I have formulated this new and fundamental law of monopoly price:

The greater the intensity of customary use, the higher the general average of economic well-being, and the more readily wealth is generally expended, the higher the monopoly price.

This topic, the theory of monopoly, calls to my mind what I regard as a fine piece of theoretical work done by Professor John R. Commons. I refer to his discussion of the law of increasing and diminishing returns in his "Distribution of Wealth." Professor Commons, by keen analysis, shows that increasing and diminishing returns must be considered from four distinct standpoints, namely, the standpoint of an

entire industry during its historical development; secondly, the standpoint of an entire industry at a given moment; thirdly, the standpoint of the entrepreneur; fourthly, the standpoint of a given area of ground. He further distinguishes between increasing and diminishing returns measured in concrete goods and increasing and diminishing returns measured in values, and finally points out that it is the third standpoint,—that of the entrepreneur,—and values which are of main importance in a discussion of monopoly.

Professor J. W. Jenks' development of the theory of monopoly should receive mention at this point. He has attempted to show that mere mass of capital has essential significance in monopolistic growths.

President Hadley's work on economics shows original power along the line of theory. What impressed me perhaps as strongly as anything when I read it was the leading thought that the test of all economic institutions and arrangements is social well-being. This is doubtless what would be called chiefly a practical consideration, but I think it has a bearing on theory. The position given private property in economics by President Hadley is also noteworthy. A marked feature of his work is the application of the principle of natural selection, whereby a connection is made between ethics and economics. Finally, mention may be made of his treatment of interest as commuted profit.

Professor Taussig has done much good work during the decade under consideration. Confining myself to economic theory, I am inclined to mention particularly two services,—namely, first, the participation in the management of the *Quarterly Journal of Economics*, so largely given to theory; secondly, his restatement of the wage-fund theory, whereby it is greatly strengthened. Professor Taussig has brought into prominence the limitation of present wages by past accumulations, while at the same time he finds sufficient elasticity in wage-sources to provide room for hopeful struggle for improved conditions on the part of the wage-workers.

Public finance is generally held to belong to the science of economics, and as I believe that this view is correct, it is natural for me to direct your attention to this great field. Have we had theoretical developments in public finance during the past decade? There have been no startling new discoveries of a theoretical nature, but along old lines there has been both movement and improvement. There has been considerable instructional activity in public finance in the universities and work of preparation for publication has been conducted with results which the future must disclose. This has been one of the two main fields of my own academic activity, but my pioneer work on "Taxation in American States and Cities" falls just outside our decade. I think, however, that I may venture to believe that its developments of theory have not been entirely without influence on financial writings during the decade. I have in mind, among other things, the definition and the classification of taxes, and the discussion of the underlying and fundamental defects in the theory of the general property tax as it exists in the United States.

The name of Professor Seligman is that which probably will be generally admitted to hold the first place in the elaboration of theories in public finance, so far as we may judge from published results, although it is by no means true, as has been recently asserted, that his is the only American name which has received recognition outside of our own country. Attention is especially called to his discussion of the theory of progressive taxation and to his exhaustive treatment of the shifting and incidence of taxation.

Professor Henry C. Adams' text-book contains some interesting theoretical discussions. One is his criticism of the social theory of taxation, another his theory of the taxation of railways and other corporations.

Discussions of economic method are held to belong to theory. In this department there is doubtless less interest now than there was in 1889, illustrating the fact that interest

in any field of theory declines in proportion as agreement among scientists is reached. The contrast in the views held with respect to method in our decade with those held in the early part of the preceding decade is marked. About 1885, incredible as it may now seem, it was in some quarters considered even dangerous to advocate the use of those things for which the so-called historical method stood. One economist about that time used these words: "The opinion prevails far too widely that political economists must be mere doctrinaires and must contend for some set of opinions and some course of policy. Critical study of phenomena is as unpopular as free thinking in religion." A vigorous protest against such an extreme position was manifestly called for, and it came. While in some particulars it went to an extreme, it has left its mark on method in our decade. There is now a free field for any and all methods. During the earlier part of our decade, discussions of method may have favored deduction; recently, however, there is a reaction again in favor of a use of what we may call, in the widest sense, the inductive method. Professor Ashley is a leader in this direction, and in his inaugural at Harvard he decried economic theory, placing little value upon it, whenever it became ambitious enough to pass outside the covers of an elementary treatise. Professor Ashley insists that through studies of economic history we must gain correct ideas of economic evolution.

While abstaining otherwise from criticism, I must say that it seems to me that Professor Ashley's protest is only against what he regards as wrong theory and wrong theoretical methods of reaching truth, and that in his own way he is as anxious to reach theory as are others who call themselves theorists. Without dwelling further on method, I would say in concluding this branch of my subject, that in my opinion the theoretical tendencies for which Professor Ashley stands are more likely to increase than to decline in strength during at least the earlier part of the decade upon which we are entering.

Theoretical work of importance has been done along the border lines of our science. The development of sociology during the decade under consideration must be given credit for services in this direction. I mention the name of Professor Giddings and that of Professor Small in this connection.

The relation of statistics to economics has similarly been elucidated. We naturally think of the work of Professor Mayo-Smith in this connection.

I have already, I fear, gone beyond my limits and trespassed too long on your patience. Much that ought to be said has undoubtedly been left unsaid, but I venture to hope that I have in rough outlines given a fairly accurate sketch of the theoretical work of the decade 1889-99.

The work of theory during this decade has been criticised from time to time, and in my opinion it has been open to criticism. Literary style has not been cultivated as it should have been, and now and then obscurity may have been taken for depth. There are great masters in economics whose writings find a place in literature, and these masters deserve emulation. Some discussions of theory may of necessity be too abstract and profound to interest those outside the narrow circle of specialists, but it is a legitimate ambition for an economist, dealing as he does, with the every-day life of the world, to help in creating literature.

Professor Macvane, of Harvard, has protested vigorously against scholasticism in economics, and in my opinion with some reason. Let us be as thorough, as painstaking, as it is possible to be, but let us take care that we are not crushed by our own learning! Much that has been laboriously gathered together will be swept aside before we reach 1909, and will be thrown on the rubbish-heap of ingenious but fruitless speculation. I think it may be said that the theoretical work of the decade has as a rule lacked sufficient boldness. We have been too timid, and have in some cases spent much time in petty refinements while essentials have been overlooked.

This is one side of the picture. There is a brighter side, which my presentation has surely brought out. Others will not view us as we view ourselves, but those who look back on this decade will certainly admit that within it much painstaking work has been done, that new developments have added something to the permanent structure of science, and that, toiling hard and conscientiously, the economists of 1889-99 have at least prepared the way for a fullness of knowledge which it was not their own good fortune to enjoy.

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BOOK DEPARTMENT.

NOTES.

TWO VOLUMES¹ of the *Annales de l'institut international de sociologie* have appeared since the publication of the last note in the ANNALS² referring to the work of the institute. Vol. IV gives the papers presented at the third congress, of which the secretary, M. René Worms, has already given the readers of the ANNALS some account.³ Those pages which give the very full discussion of all phases of the organic theory of society, in which the contribution of M. G. Tarde opposing the organic theory is perhaps the ablest, will doubtless prove for most readers the most interesting portion of the volume. Mr. Lester Ward's paper, in which he presents an elaboration of Professor Patten's concept of a pain and pleasure economy, and M. C. N. Starcke's paper on the laws of political evolution are among the more important contributions to the volume. Vol. V contains the papers submitted for publication during the year 1898 by members of the institute, no congress having been held that year. The next congress is announced for 1900. Nine good-sized studies appear in this volume, as follows: G. de Azcarate, "Plan de la sociologie," comprising a study of the object and scope of sociology, its method and the sources of its material; René Worms, "L'induction en sociologie," a study of the nature of social laws and an elaboration of the fundamental idea in M. Worms' paper on "Experimentation" in Vol. IV; J. Novicow, "La théorie organique des sociétés; défense de l'organicisme;" C. N. Starcke, "La personnalité libre;" Pedro Dorado, "Du droit pénal répressif au droit pénal préventif;" Raoul de la Grasserie, "La vengeance privée;" Albert Jaffé, "Sur le droit de coalition;" Charles M. Limousin, "Formation et évolution du langage;" F. Puglia, "L'adaptation est-elle la loi dernière de l'évolution humaine?"

From the perusal of the volumes of the International Institute of Sociology one gets a very fair idea of the thought and general tendencies of the European Continental writers on sociological theory. English and American thought on this subject has not as yet been

¹ *Annales de l'institut international de sociologie*. Publiées sous la direction de René Worms. Tome iv, contenant les travaux du troisième Congrès tenu à Paris en Juillet, 1897; Tome v, contenant les travaux de l'année, 1898. 8vo. Pp. 589, 509. Price, 10 frs. each. Paris, 1898 and 1899. V. Giard & E. Brière, 16 rue Soufflot.

² See ANNALS, vol. xi, p. 244, March, 1898.

³ See ANNALS, vol. xi, p. 109, January, 1898.

represented to any great extent in the work of the institute. It is to be hoped that some contributions from these sources will be made at the fourth congress, to be held at Paris this year.

EDWARD M. BACON'S "Historic Pilgrimages in New England"¹ is intended not only for the general reader but also as a supplement to the school histories of the colonial and revolutionary periods. The book goes over the usual ground, describing the outbreak of the Revolution and the localities in which the more important events took place. As a help in the school course the work deserves commendation.

"THE PRINCIPLES OF AGRICULTURE,"² edited by L. M. Bailey, a recent number in the Rural Science Series, is a readable presentation of the elements of agricultural science, dealing with the formation and improvement of the soil, the growth, propagation and care of plants, and the physiology and hygiene of live stock. The separate essays of which the book is composed are excellently written and the principles which they explain are so clearly stated as to be fully within the comprehension of the layman.

MONOPOLIES AND THE PEOPLE,³ by Charles Whiting Baker, appears in the third edition revised and enlarged. The rapid development of combinations in restraint of trade in the last ten years, since the first edition of the work, has given the author a large amount of additional data upon which to base his treatise.

He deals with the monopoly and trust problem in most of its phases, subjects the law of competition to a lengthy analysis, and finally arrives at the conclusion that combination is the necessary tendency of modern society, and that any attempt to prohibit it is useless. The only remedy for the evils of combination is to be found in governmental control. The methods of regulation suggested by the author are so radical, in some cases, as to require an entire regeneration of society to effect them. In general for all natural monopolies he advocates government ownership of fixed capital and the regulation of prices, with private operation and general management. The prices should be regulated so as to yield about a six per cent investment on the capital stock. In regard to the manufacturing and trade trusts, he strikes the keynote to the situation in pointing out

¹ Pp. xiv, 474. Price, \$1.20. Boston: Silver, Burdett & Co.

² Pp. xv, 300. Price, \$1.25. New York: Macmillan Company, 1898.

³ Third edition, pp. 362. Price, \$1.50. New York: G. P. Putnam's Sons, 1899.

the deplorable lack of uniformity in the corporation laws of the states, and urging the necessity of a national incorporation law. This law, as he conceives it, should embrace the following provisions:

1. The capital stock of all "trust" corporations should be reduced so that the total at par will not exceed the value of its real estate and the cost of reproducing its machinery and plant.
2. Every trust should be compelled to make absolutely public all its affairs, according to uniform and improved methods of accounting.
3. The tax on stock transfers should be increased to such an extent as to make stock gambling unprofitable.
4. All charters should be revoked and reorganization allowed only under new and stringent charters, closely defining all powers, privileges and duties to the public.
5. The government should appoint one or more members of the board of directors of every such corporation, to represent the people.¹

M. MAURICE BELLOM, Ingénieur au corps des mines, Paris, has recently published in a handy little volume² a very useful commentary on the new French law relating to employers' liability for accidents to workmen. It gives an historical survey of all legislation preceding the law of 1898 and subsequent decrees, and places the latter in clear perspective in relation to the development of public opinion on this subject in France. While primarily written for those who have to do with the administration of the law or for those who come under its provisions concerning responsibility for their employes, it is just the sort of presentation of the whole subject that will enable foreigners and those not familiar with the legal system of France to appreciate the character of this important experiment in social legislation.

Mr. Bellom has the great advantage of being familiar with legislation in England and Germany on employers' liability, accident insurance and insurance against sickness, on which he has written important treatises. Thus throughout the little volume to which this note calls attention, the setting of the discussion is such as to enable the reader to appreciate the complexity of the legal questions and administrative problems which have in France and elsewhere rendered legislation on these subjects so difficult.

¹ Contributed by F. R. Horack, Philadelphia.

² *De la responsabilité en matière d'accidents du travail*. Commentaire de la loi du 9 Avril, 1898, et des décrets du 28 Février, 1899. Par MAURICE BELLOM. Pp. 389. 16mo. Price, 6 frs. Paris, 1899. Librairie nouvelle de droit et de jurisprudence, Arthur Rousseau, 14 rue Soufflot.

*LA PRODUCTION INDUSTRIELLE*¹ is a study of the reciprocal relations of capital, labor and talent. The author declares himself to be in substantial agreement with M. Gide in the latter's criticism of our present economic régime. The injustice of existing schemes of distribution is freely admitted; the author proceeds to examine the various remedies which have been proposed. He discards collectivism as impracticable, and finds that the compulsory association of capitalist and laborer should also be rejected, since such a plan would violate the liberty of the individual. After an extended consideration of profit-sharing and co-operation, the author declares that both are highly desirable and should be encouraged. The co-operative system especially is to be commended, and the whole tendency of the times is, M. Boilley believes, toward a social and economic system of greater solidarity and inter-dependence. Unfortunately, however, the progress of this movement is so slow that the laboring classes cannot be expected to await its final culmination with patience. In the meantime the author suggests the formation of "industrial councils," composed of employers and workingmen and elected by them. These councils or commissions should be voluntarily established for each branch of industry and each territorial district, and should be given the power of regulating hours of work, rates of wages, condition of work-shops, etc.

A REVIEW OF THE CONSTITUTION OF THE UNITED STATES is the title of an interesting work² by a member of the Frankfort, Kentucky, bar. The author has most unfortunately founded his argument upon the premises, first, that sovereignty is indivisible, and second, that the constitution must be interpreted precisely as the framers originally intended. With these premises he necessarily reaches the conclusion that the executive and legislative departments of the federal government have usurped the powers reserved to the states and the people. A subordinate and incidental conclusion is also drawn to the effect that neither the states nor the Union may be sovereign, but only the people of the states. No substantial issue need be taken with the author on this point, but he goes farther. He declares that the sovereignty of the people prevents the federal government from exercising various powers, such as the acquisition of territory not contiguous to America, the admission of states not contiguous to those already in existence, the cession of land to other

¹ By PAUL BOILLEY. Pp. 216. Price, 2.50 fr. Paris: F. Alcan, 1899.

² By W. G. BULLITT. Pp. 360. Price, \$2.00. Cincinnati: The Robert Clarke Company, 1899.

nations, etc. To all of these claims the same answer must be given, that the constitution is not something shaped by the mere volition of men who lived and died a century ago, but it is the product of development. By an unhappy method of amendment we are prevented from changing the words of the instrument readily, but the sense of those words we can, in fact we must, change. As time goes on the discord between the original and the present sense of the words must increase; doubtless a time will soon come when a revision will be found necessary in order to remove this discord. But until such revision occurs the simplest plan is, not to insist on a rigid adherence to the interpretation of the last century, but to adapt our interpretation to the necessity of the times. There is no known example of a people actually limiting its entire growth by a constitution, nor is such a thing to be imagined. The real value of Judge Bullitt's work lies in the discord which he shows between literal historical interpretation and present day customs and practices. The conclusion of his book should therefore have been that a simpler method of amending our constitution was necessary.

PROFESSOR CONRAD of Halle has continued the publication of his enlarged lecture outlines by the issue of a pamphlet on the history and theory of statistics and population statistics.¹ It forms a compact reference work which dispenses with the need of more pretentious volumes for a clear statement of the elementary facts. Professor Conrad has not ventured to depart from the methods of presenting the subject of statistics which are traditional in the German universities. It is a familiar observation that those methods seem to neglect the fact that the hearers are after all only beginners, and plunge them at once into the history and theory of a subject of which they have no empirical knowledge. It must be confessed that in book form this makes hard reading for the beginner who has not an ultimate examination before him to fortify his perseverance in the effort to gain an entrance into the subject. The personality of the teacher may atone for such a defect in the lectures, but not in the printed book. A pleasing reminder of the intimate relations of Professor Conrad to American economists is the dedication of the book to his friend and former pupil Professor E. J. James.²

¹ *Grundriss zum Studium der politischen Oekonomie*. By Prof. Dr. J. CONRAD, Halle. P. 4te Teil, Statistik I, Geschichte und Theorie der Statistik, Bevölkerungsstatistik. Pp. 162. Jena: Gustav Fischer, 1899.

² Contributed by Roland P. Falkner.

IN SEPTEMBER, 1898, Sir William Crookes, in his presidential address to the British Association,¹ took an extremely pessimistic view of the world's future wheat supply. The following quotation illustrates his point of view: "At the present time there exists a deficit in the wheat area of 31,000 square miles—a deficit masked by the fact that the ten world-crops of wheat harvested in the ten years ending 1896 were more than 5 per cent above the average of the previous twenty-six years.

"What provision shall have been made, if possible, to feed 230,000,000 units likely to be added to the bread-eating populations by 1931—by the complete occupancy of the arable areas of the temperate zone now partially occupied—where can be grown the additional 330,000,000 bushels of wheat required ten years later by a hungry world?" The only escape from wheat starvation, in the judgment of Sir William Crookes, lies in the advance of agricultural chemistry. Failing this, the race must fall back upon bananas.

This address excited wide interest and discussion. Many criticisms were made upon the estimates of Sir William Crookes; notably one by Mr. Edward Atkinson, of Boston, U. S. A., who, after a characteristically rapid survey of the agricultural possibilities of the United States, arrived at the conclusion that the United States of America could supply the whole world's demand for wheat; provided that a price of one dollar per bushel could be guaranteed. Mr. Atkinson's statistics were taken seriously by Sir William Crookes, who has honored the distinguished statistician of Boston by making him the *raison d'être* of a book on "The Wheat Question." The author is aided by Mr. John Hyde, statistician of the Department of Agriculture, together with Mr. Wood Davis, an agricultural authority, residing in Kansas. Sir William first presents his address to the British Association, and then, assisted by his two coadjutors, hurls a broadside of evidence, refutation and ridicule at Mr. Atkinson to show that Mr. Atkinson and a few minor critics like the London *Statist* are ignorant of the first principles of agricultural science, and that the wheat areas of the United States and of the world are already closely limited by climatic conditions. The discussion is most interesting and, on its face, is conclusive. Sir William Crookes has certainly proven that he knows more about wheat than Mr. Atkinson, but there are still remaining vast fields of knowledge in which Mr. Atkinson reigns supreme. Sir William Crookes' sense of humor is defective, but the readers of "The Wheat Question" will be grateful to Mr. Atkinson for having

¹ *The Wheat Problem*. Based on Remarks made in the Presidential Address to the British Association at Bristol in 1898. Pp. xlii, 272. Price, \$1.25. New York: G. P. Putnam's Sons (London: John Murray), 1900.

taken advantage of this defect to provoke a most interesting discussion of the world's wheat supply.

H. RIDER HAGGARD'S *HISTORY OF THE TRANSVAAL*,¹ was sent to press about a week before the present war began, and was given such a name as would catch the popular eye. It is in fact a reprint of a portion of a former production by the same author, in which he gave a sketch of the British annexation of the Transvaal and the subsequent revolution of 1881. The only portions having a more general interest are the prefatory author's note and a short appendix. As a history, even of the short period which it covers, the book can have little value; it is highly partisan and misleading. The only scientific interest which the work can have is to be found in its partisan representations. It furnishes a good example of the kind of food on which English popular opinion was nourished prior to the final stand taken by the ministry. The Boer is portrayed as having a "greed for gold." He is denied more lofty motives such as love of freedom and good government. The English people are told that it is not "independence" but the undermining of the British Empire that the Dutch Republics were striving for. The people are said to be ignorant and vainglorious, even believing that they excel the English in military power. The peace party in England is taunted with such statements as the following: "They (the Boers) trust not so much to the rifles of their compatriots as to the prowess of certain party captains in England." Their own conceit and their reliance on the efforts of the British peace party have, as Haggard conceives, led the Boers to take a stand which forced England's hand. "Buoyed up by such bubbles as these they have determined to tempt the stern arbitrament of war." The political philosopher may moralize upon the influences which such literature has exercised upon public opinion in England.²

THE *SOURCE-BOOK OF AMERICAN HISTORY*, edited by Professor Hart,³ is not intended as an independent or complete compilation of material on any one phase of American history. Such a compilation, as the author well says, would be impossible. Professor Hart has selected what might be called illustrative material in order to supplement the field covered by a text-book. "History has two functions:

¹ Pp. xxx, 244. Price, \$1.00. New York: New Amsterdam Book Co., 1899.

² Contributed by F. A. Cleveland, Philadelphia.

³ Pp. 408. Price, \$0.60. New York: Macmillan Company, 1899.

to tell us what has happened, and to tell us why the men of old time let it so happen. Perhaps the most difficult problem for the teacher is to bring home to the minds of pupils how differently other people have looked at things." It is to give this touch of concrete reality and color that the Source-Book has been published. Twenty-one topics are chosen to cover the most important phases of American history; these topics range from the earliest discoveries down to the Spanish war. Under each subject extracts from six or more typical documents or sources are given and the value of the book, of course, depends almost entirely upon the selection of these extracts. No one is better qualified than Professor Hart to make such selections.

IN OOM PAUL'S PEOPLE¹ Mr. Hillegas has attempted to give an unprejudiced and impartial account of the Transvaal and its inhabitants. He has failed, as his narrative is marred by prejudice and is very partial to the Boers. His material is undigested and badly arranged, yet the book is interesting and contains valuable information. Curiously enough Mr. Hillegas, a partisan of the Boers, has unintentionally furnished the clearest explanation of the Uitlanders' grievances which we have had. After reading his account and praises of the Boers and their government we understand why foreigners in the Transvaal are dissatisfied. Cecil Rhodes, if he wishes to influence public opinion in this country, may find it to his advantage to subsidize this author who has attacked him so strenuously.²

"THE EFFECTS OF RECENT CHANGES IN MONETARY STANDARDS UPON THE DISTRIBUTION OF WEALTH" by Frances S. Kinder,³ offers a statistical refutation of the claim that falling prices are caused by increased production of the commodities whose prices have fallen. By collecting the statistics of production of the principal raw materials over a period of fifty years and comparing these with the movements of prices as shown by index numbers, the author is able to prove that production increases more rapidly when prices are rising than when they are falling. Were it not for the partisan controversy of the last few years such an elaboration of the obvious would not be necessary, but considering the manner in which the discussion has been carried on, this

¹ *Oom Paul's People*. By HOWARD C. HILLEGAS. Pp. 308. Price, \$1.50. New York: D. Appleton and Company, 1899.

² Contributed by Professor Dana C. Munro, University of Pennsylvania.

³ *Economic Studies*, Vol. IV, No. 6. Pp. iv, 88. Price, 50 cents. New York: Macmillan Company, for American Economic Association, December, 1899.

bit of evidence offers a wholesome corrective. Mr. Kinder's demonstration that real wages increase during times of rising prices is hardly so conclusive. Of course, if allowance is made for the larger employment which rising prices bring, his position is well founded. On the mere question of rates of wages, however, neither the statistics of wages nor of retail prices warrant such a definite conclusion. The author also shows that real interest, that is to say, interest measured in commodities, varies inversely with prices. This cannot be considered as a refutation of Professor Irving Fisher's claim that falling prices, while they tend to increase the commodity rate of interest, also tend, by their depressing effects upon business, to offset this rise in commodity interest by a fall in money rates. Professor Fisher expressly stated in his "Appreciation and Interest" that he does not contend that the creditor makes no gain during falling prices, but merely that the extent of his unearned increment is not to be measured by the fall in prices. Mr. Kinder's claim that profits vary directly with prices will hardly be questioned. This little book furnishes additional evidence that prosperity is usually accompanied by rising prices.

THE PHILOSOPHY OF HISTORY¹ is a meritorious attempt to connect the facts of history with the causes which have influenced the social evolution of the human race. Most writers are satisfied with the visible, immediate and direct causes of the rise or fall of nations. For instance, they may seek the explanation of national progress in the constant activity of the people, its legitimate ambitions, the purity of its morals, its fortitude, the wisdom of its institutions and the peculiarities of its environment. These factors are undoubtedly of great importance; but Professor Lloyd wants us to go deeper yet into the theory of causation as applied to social phenomena. Whereas all the periods of human history perform their onward course in time and space, the author considers himself bound to explain to us the nature of both. Considerations of this kind are highly metaphysical; but, unfortunately, modern philosophers do not agree as well as might be desired with regard to the nature of time and space. The passing from the "dynamic idealism" to "concrete realism" is involved in obscurity, and we need not wonder if many objections be urged against the conclusions in the chapter on "Time," the first, and the most fundamental in the book. We give these conclusions in the words of the author: "Time, then, is no mere form of life, self-existent and external; it is even a force, or it is a phase of a force, in

¹ *The Philosophy of History*. By ALFRED H. LLOYD. Pp. 250. Price, \$1.00. ANN ARBOR: George Wahr, 1899.

application of which, or in identification with which, life consists. Those who live do not live in time; they live time itself, they use time; and a life that uses time is as eternal as it is temporal." "Similarly," continues the author, "space is the permanence of the organic on the same plane." We might ask, What plane? But, from the preceding sentence, (which, however, refers to time,) we can assume that it means *the plane of mere measurable quantity*. Is there in this world no room for inorganic substances such as minerals? Or, rather, is the whole cosmic system one great organism? The latter interpretation is borne out by the note (p. 36). "Possibly I have made a mistake in almost assuming in this chapter that the organic and the real are literally synonymous terms. One has to assume, however, and, in another book already referred to, *Dynamic Idealism*, I have considered at length the organic nature of reality."

The next concept to which our attention is called is that of *Causation*. The author has avoided the pitfalls into which those have fallen who have denied the existence of efficient causes, and of those who have seen in the succession of cause and effect nothing but a mere sequence of phenomena. Yet the reader would wish that he had been more sparing of his intellectual wealth, and clearer in explaining the relation of cause and effect.

The other chapters of part first treat of Nature, Individuality and Progress. A second part is devoted to sociology, and in the ninth chapter of this part the author discusses the "stages of society's activity." The activity of society is made to consist chiefly of two processes; the former a process of *alienation* from itself, the latter one of restoration to itself. The third part of the book contains historical studies, which have for their chief object to show that apparent contraries have an underlying ground on which multiplicity is reduced to unity. Thus the author contrasts science and religion, good and evil, radicalism and conservatism.

The fifteenth chapter treats of Revolution, and the author tries to show that in a revolution the contending parties unconsciously promote the same end; but he seems to fear lest he be misunderstood. "Do I seem to make it a matter of indifference on which side in a revolutionary conflict one happens to be? By making opponents so in agreement with each other, nay, so inclusive of each other, by showing them to be co-operative even in their opposition, do I seem to take all the meaning out of the conflict itself? If so, I have not been understood." Such may be the fate of this book; such has been the fate of many writers of the Kantian or Hegelian school; but, whatever be the mental attitude of the readers with regard to the positions advocated in the book, all will admit that it is written with

great keenness of perception, and with a sincere desire to reconcile, so far as possible, all intellectual and moral differences. If the author did not succeed in accomplishing the task, it is because there are differences which cannot be reconciled, even by benevolence and ingenuity combined.¹

MCLILWRAITH'S HISTORY OF CANADA² has appeared in Appleton's "History for Young Readers" series. The narrative is well arranged, is told in a popular style and is interesting and impartial throughout.

POLITICS FOR YOUNG AMERICANS³ has just appeared in a second edition. It is a thoroughly up-to-date, interesting and useful book. Some of its chapters show considerable depth of thought and careful study of American political conditions, beside the knack of popular expression; this is especially true of the chapters on the "Responsibility of the Executive," "What Officers Should Not Be Elected," and others. The style is in some places unfortunate, the author sometimes assuming a class-room tone and method of expression. In addition to the discussion of elementary constitutional questions the book also contains several chapters on the more important problems of governmental policy, such as taxation, public debts, property, currency, etc.

CONGRESSIONAL GRANTS OF LAND IN AID OF RAILWAYS,⁴ by John Bell Sanborn, Ph. D., was submitted by the author as his thesis for the degree of Doctor of Philosophy at the University of Wisconsin, 1899, and is published in the *Bulletin* of that university. The body of the thesis is largely drawn from the congressional debates on land grant legislation as reported in the *Congressional Globe*, endeavoring to show the public land policy of the United States. The subject of land grants has been so exhaustively treated in Donaldson's *Public Domain*, which is practically the author's chief source of authority, that the present work can be said to add but little to the subject outside of the carefully compiled opinions of Congressmen, on the grants in question, as expressed in debate.

¹ Contributed by Professor R. I. Holand, Georgetown University.

² Pp. 252. Price, 60 cents. New York: D. Appleton and Company, 1899.

³ By CHARLES NORDHOFF. Pp. 208. Price, 75 cents. New York: The American Book Company, second edition, 1899.

⁴ Pp. 130. Price, 50c. *Bulletin* of the University of Wisconsin, No. 30, August, 1899.

PROFESSOR MACVANE has performed a very useful work in editing a translation of Seignobos' *Histoire Politique de l'Europe Contemporaine*,¹ a work which was reviewed in the ANNALS on its appearance in the original French.² Its merits are indisputable and more than sufficient to warrant a rendering into English. Its value lies not only in its availability as a book of reference for the general reader and the college student, but also in its breadth, impartiality and epigrammatic insight into the meaning of events.

Professor Macvane is not responsible for the actual work of translation, so that we cannot charge upon him such versions as, "I prefer not to mention" for *je renounce à citer*; "Much detail but always reliable" for *tres détaillé, pas toujours sûr*; "I am forbidden by the traditional custom of the earliest historians" for *je me suis écarté de l'usage traditionnel depuis les historiens antiques*, but we think that he ought not to have allowed them to pass. He has taken, as he tells us in the preface, the position of discriminating editor, enlarging here and omitting there whenever he believed that such change would be for the good of the American reader. Regarding England his supervision has assumed the form of a revision so complete as to amount to a rewriting of the chapters upon that subject. That they are greatly improved thereby does not admit of doubt, but is such alteration justifiable unless the changes are properly indicated? From the preface we would infer that Professor Macvane had not obtained the consent of the author to do this. If this be the case the treatment of what Professor Seignobos has written might be made a text for a sermon on the ethics of translation. Happily so thorough a revision has not been attempted in other parts of the work, where very few changes have been made.

Two subjects for further criticism arise. Save in the portion relating to England and in two or three evident errors of dates, Professor Macvane has made no attempt to correct the mistakes which had crept into the original work. Even if many of these had not been evident to the editor of his own knowledge, he should have paid some attention to the corrections made by English, French, German and American reviewers, by whom altogether some thirty or forty mistakes, trifling often, were pointed out. With but two or three exceptions these errors stand in the translation as in the original. In the second place, Professor Macvane might easily have made Professor Seignobos' useful

¹ *A Political History of Europe Since 1814*. By CHARLES SEIGNOBOS, of the University of Paris. Translation edited by S. M. MACVANE, Professor of History in Harvard University. Pp. xxi, 881. Price, \$3.00 New York: Henry Holt & Co., 1899.

² May, 1898, pp. 111-115.

bibliographies more useful in three particulars. He might have added more titles of works in English, such as those of Maurice on the Revolution of 1848, Vincent on Switzerland, Coubertin and Bodley on France; for outside of the lists for England there are only about a dozen additions in all, hardly enough to justify the statement in the preface. In the second place he should have indicated what works in foreign languages have been translated; there are fifteen works here mentioned of which translations have been made, and yet no indication is given of this fact. In the third place he should have noted the new volumes which have been published by Zevort, Blum, Stern, and others. There are one or two discrepancies that should have been corrected. In some instances the translator has used the solecism Austro-Hungary, in others the correct form Austria-Hungary; the name of the Italian minister is sometimes spelled Ratazzi, sometimes Rattazzi; on page 66, Malmsbury's "Memoirs" are mentioned as published in two volumes in 1884, on page 785 as published in three volumes in 1885, while no mention is made of the one-volume edition of 1885. Professor Macvane makes a curious slip in citing the 1888 edition of Rand's "Extracts Illustrating Economic History Since 1789" instead of that of 1892.

For the index we are profoundly grateful, and to the publishers wish to express our admiration of the successful manner in which they have solved the difficult problem of presenting more than nine hundred pages of matter in a form neither bulky nor unmanageable.¹

 REVIEWS.

The New Pacific. By HUBERT HOWE BANCROFT. Pp. iv, 38. Price, \$2.50. New York: Bancroft Co., 1900.

America in the East, A Glance at our History, Prospects, Problems and Duties in the Pacific Ocean. By WILLIAM ELLIOT GRIFFIS. Pp. 244. Price, \$1.50. New York: A. S. Barnes & Co., 1899.

Imperialism and Liberty. By MORRISON I. SWIFT. Pp. ix, 491. Price, \$1.50. Los Angeles: Ronbroke Press, 1899.

The political issues born of the war with Spain, like the issues of 1896 which arose from the fear of silver dollars, have produced a large progeny of evanescent books and pamphlets. The American citizen who tries to get a clear idea of the relation of the Philippine Archipelago to the United States by a conscientious study of the literature now coming from the printing presses, will be disappointed.

¹ Contributed by Professor C. M. Andrews, Bryn Mawr College.

Most of these books are remarkable mainly as specimens of literary abandon and mental indigestion. A good word can be said for those which aim merely to describe the resources and picturesque features of the Philippines, for they supply a popular need for information; but those which pretend to set forth arguments for or against the retention of the Philippines, or to demonstrate the necessity for the expansion of the commerce of the United States, are, as a rule, jumbles of crude fallacies and misinterpreted statistics.

Hubert Howe Bancroft's "The New Pacific," a volume of 738 pages, is big enough to embrace within its covers chapters typical of the good and bad kinds of writing that are being done on the subject of expansion. The book contains a vast amount of information and a tremendous lot of what is popularly known as "guff and buncombe." Mr. Bancroft evidently made up his mind that the time was ripe for a popular book on the causes and effect of the war with Spain, including all the political and economic questions which have grown out of that war. Accordingly, he tells the story of the war with Spain, discusses the pros and cons of imperialism, describes the development of the Orient, discourses on what European nations have done in the East, sketches the resources and trade of the countries bordering on the Pacific Ocean, and dwells at great length on the importance to the United States of the future commerce on the broad bosom of the Pacific. If Mr. Bancroft had arranged the facts in his possession and given them a clear presentation in a volume of 200 pages, his time would not have been wasted. His present bulky volume, however, is too diffuse to be popular and too rhetorical and breathless to command the confidence of a student. In his first chapter, which is a gasping comparison of present with past conditions in the East, he points out that the United States has at last become a "world-power," with its face towards the Pacific Ocean, whereon in the near future all the world is to meet on equal footing, "the strongest and cunningest to carry off the spoils." Mr. Bancroft is thoroughly saturated with the idea that commerce is an affair in which strong nations are always getting the advantage of weak and stupid rivals. His ideal is a steady increase of exports and the growth of our investments in foreign countries. "The United States," he remarks, "is the world's creditor, and New York, if not absolutely so to-day, is destined soon to be the world's financial centre." It does not occur to him, apparently, that our exports cannot increase unless we are willing to increase our consumption of foreign goods; nor that the United States will not become a creditor nation so long as its own resources furnish better opportunities for the investment of capital than can be found abroad. On page 609, Mr. Bancroft gives a naïve definition of the new

morality. "It has come," he says, "to be a doctrine of orthodox civilization that it is right and humane and just for a people of culture and nominally good morals, to take in hand the affairs of any weaker people of low intelligence occupying lands which the stronger nation would like to possess." It is hard to tell what Mr. Bancroft is always driving at, but the revival of this Roman morality seems to meet with his approval. He is much impressed with the importance of the Pacific Ocean as an aid to the development of the western states. Any policy which promises to increase the trade or industry of the Pacific slope seems to need no defence. Mr. Bancroft is capable of much better work than is found in "The New Pacific," and it is a pity that he allowed himself to rush it into print. No one will either read it for pleasure or make use of it as a reference book.

"America in the East," by W. E. Griffis, is a modest, well printed volume of 235 pages. The author has spent several years in the Far East and does not pretend to solve all the problems involved in the eastern question, but is content to present a few considerations which have been suggested by his reading and by his experience. The book covers much of the ground gone over by Mr. Bancroft, but Mr. Griffis, unlike Mr. Bancroft, preserves his sanity throughout and does not climb the heights of prophecy or descend into the depths of racial philosophy. He is in sympathy with what is known as "the expansion movement," and believes that the Philippine Islands should be retained by the United States, not because he is certain that destiny so wills it but because he cannot see any way for us to let go of them. His book is made up of articles previously published in the *Outlook*, and *Harper's Monthly Magazine*.

Mr. Swift's "Imperialism and Liberty" is an hysterical assault upon the policy of the present administration towards the Philippines. The table of contents gives a very clear idea of the nature of the book. Here are the heads of a few of the chapters: "Imperialism to Bless the Conquered;" "Nadir of Infamy;" "The Expansion of Billionaires;" "Administration War Bluff to Gain an Army;" "The Bandit Press;" "Seduced by Destiny." In Mr. Swift's book the reader will find about all that can be said in criticism of President McKinley and his advisers, and it is said in the strongest language which the author can handle, italics and full face type being frequently called upon to give emphasis. Mr. Swift is too emphatic and denunciatory to be really helpful to his cause. An impartial reader of any intelligence at all is likely to get the impression that the author is prejudiced, and therefore, untrustworthy.

JOSEPH FRENCH JOHNSON.

History and Functions of Central Labor Unions. By WILLIAM MAXWELL BURKE, Ph. D. Pp. 125. Price, \$1.00. New York: The Macmillan Company, for Columbia University, 1899.

VOLUME XII, No. 1, of the Columbia Studies in History, Economics and Public Law is a readable monograph upon one corner of a field which has never been very deeply plowed in any of its parts. The monograph presents in an interesting way the picture of a great factor in the labor movement—central labor unions—and the few small mistakes contained in the book are due to the great area covered.

In the first chapter, Mr. Burke gives a concise sketch of the general history of labor federations in Great Britain and the United States. His attempt to define "amalgamations," "federations" and "affiliations" only goes to show how useless it is to try to put popular, general terms into definite language. Chapter II takes up the real object of the monograph by giving an account of the history and organization of central labor unions in this country. Chapter III explains the objects and principles of these unions. Thus far the study is open to little criticism, because it is mostly a summary of the official publications of labor organizations. But in chapters IV and V, where the author deals with "political action and socialism" and "the future of central labor unions," there is room for controversy. The subject is so new that the author's evident care in preparation will help those who have not already done so to form an opinion. The work will also inspire a greater respect for organized labor.

The central labor union is defined as a federation of unions, not necessarily allied as to trade. These unions generally have jurisdiction over the territory occupied by a city or, at most, a county. "City Federation," "Trades Alliance," "Trades Council," "Workingmen's Union," "Workingmen's Assembly," "Trade and Labor Alliance," etc., are synonymous with "Central Labor Union." Both the Knights of Labor and the American Federation of Labor encourage the formation of these central labor bodies, because by means of them the population centres become the strong units which make up the general labor movement.

As the author suggests, the books referring to the subject are very few. He might have added that they are also very inaccurate without having to fear that his statement was libelous. For instance, the citation of Ely's "Labor Movement in America" is no proof that the New York Society of Journeymen Shipwrights, founded in 1803, was the first local union in America. Even from a secondary source-book like Wright's "Industrial Evolution," it may be seen that the Philadelphia Association of Journeyman Shoemakers was already active in the

years 1792, '96, '98 and '99. The association "struck" for increases and against decreases of wages, and, later, became mixed up with conspiracy laws in a way that would fill any modern, self-respecting trade union with envy. It might also be said, as another instance, that the Philadelphia Typographical Society, whose descendent lives to-day, was founded in 1802, and sent \$83 to help the New York printers through a yellow-fever epidemic in 1803. Other mistakes occur, as for example, when the author says, ". . . where special industries are localized, men of other allied trades (*i. e.*, other than the building and printing trades) are numerous enough to form similar organizations, but nowhere are there such unions of the textile trades, or of the iron trades, or the boot and shoe trades." And yet there is in existence a "Metal Trades Council," of New York, which sent a telegram of instruction on ship-subsidy resolutions to its representative at the last convention of the American Federation of Labor. And there is a Philadelphia "Textile Association," which sends a lobby to the state legislature. Again, it is not a fact that the Cleveland, O., central body is the only one in the United States with a paid "business agent."

The monograph has a good table of contents, but unfortunately no index. As a book of information, it will supply food for the trade unionist and for the lay thinker. It contains forcible and convincing statements in regard to waste of time in the unions, use of labor organizations by politicians, effect of public opinion, use of blackmail, variations in the practices of different cities, the labor press, collective bargaining and legislation. But when the much-mooted question of political action is discussed, the author, skillful as he may be, treads on slippery ground, and his work shows it. At times also his statements have an *ex cathedra* tone. "There is but one side, until the other is heard."

HENRY JOHN NELSON.

Philadelphia.

Elementary Principles of Economics. By CHARLES H. CHASE. Pp. xvi, 405. Price, \$1.25. Chicago: Chas. H. Kerr & Co., 1899.

Judge Chase has dedicated his *Elementary Economics* to the youth of the United States of America. It should have been dedicated to the economists. The volume is one which will be of value to teachers of political economy, but it is peculiarly unfitted in many respects to serve as an elementary text-book or as an introduction to the subject for the general reader.

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It would be difficult to find a better exercise for an advanced student than the close perusal of this book to determine which of its new terms, formulæ, and definitions are worthy of serious consideration and possibly even of immediate adoption. Such suggested innovations are by no means rare. Objective elusion, Ops potentia, Crescive Wealth, and Despoliatory Increments of Debt, yield their meaning readily enough. Rather more classical learning is needed to grasp the signification of Patential capital, Tellurian capital, Taxonomic Taxation, and Fruendal—used as a synonym for fruendive wealth, or wealth devoted directly to the satisfaction of desires. It is by no means certain that we do not need just these terms and twenty more equally technical and precise. But they cannot gain currency by the aid of pupils who are beginning their economic studies.

There are other reasons why this book will appeal rather to advanced students. One of them is that the mathematical formulæ are somewhat involved. This, for example, is one of the simplest illustrating the varying conditions of utility production in two countries between which trade is unrestricted by other than natural causes:

$$\begin{array}{rcl} \left\{ \begin{array}{l} (\frac{1}{2} S) 2(a) 2(b) 2(c) 2(d) \\ (\frac{1}{2} T) \end{array} \right. & 8l & 2(e) 2(f) 4l + (a + b + c + d + e + f) l \end{array}$$

This, perhaps, is not very important, since it is announced that the general reader is to omit the problems, and the unprepared youth may of course do likewise.

Leaving negative considerations, there is a positive reason for advising those who are familiar with standard economic literature, and especially those who are engaged in the teaching of the subject, to examine this little book. The author is familiar with legislative procedure, with the judicial interpretation of statutes, and also with those currents of public opinion and those deep-seated popular convictions upon which social and political reforms are based. In the portions of the book which deal with economic theory he is daring in innovation, careless of the established use of terms, almost recklessly iconoclastic. In fact, the author frankly hopes that this work "will prove to be the beginning of a science of political economy."

But in the later chapters which discuss such practical questions as taxation, money, and railroad management and especially in the final division entitled Applied Economics, the instinctive conservatism of the bench tempers the author's obviously radical sympathies, although he remains fortunately both critical and outspoken.

The book is evidently the sincere and carefully considered attempt of a man who holds decided views on social questions to formulate a science of economics that, while not in conflict with those views, shall

nevertheless be rigidly precise in the mathematical sense. Its interest lies, however, in the light which it throws on the social questions rather than in its contribution to pure science. And this is by no means a disparaging criticism of any economic treatise. The book shows familiarity with economic literature, but it is not so planned or written as to be of any value as an introduction either to the standard works with which every student must become familiar, or to the current periodical discussions in which the general reader is to be interested.

EDWARD T. DEVINE.

New York City.

The Government of Municipalities. By DORMAN B. RATON.. Pp. x, 498, 14, 8vo. New York: For Columbia University Press, by the Macmillan Co., 1899.

It is with unusual interest and keen anticipation that one takes up this work by Mr. Raton. So long, so actively and so prominently has he been connected with city affairs, that whatever he says deserves careful thought.

Following the example of his many predecessors, Mr. Raton deals only with the defects of our municipal systems and the remedies proposed, treating *causes* of inefficiency only so far as it is necessary to assist in working out a solution. The remedies offered are: abolition of the party system, nomination by petition *only*, "free voting" (elections by general ticket with cumulative voting), civil service reform, the council system as against centralization of power in the mayor, and state administrative control as against legislative interference in local affairs.

The chapters dealing with the relation of the party system to municipal administration are probably the most unsatisfactory. Mr. Raton seems to confuse parties in the abstract with parties in the concrete. So impressed is he with the bad effects of intermingling state and national politics with local questions, that he condemns, apparently, the whole party system. For instance, he says (p. 11):

"Few things are more indisputable, among elementary facts of government than this, that the party system and a true municipal system are repugnant and irreconcilable."

This idea is radically erroneous. The party system is based upon the fundamental principle that results—good or bad—can be more easily attained by concerted action. As long as this principle remains true—probably forever—some sort of party system will exist. Thus, the important problem is whether there shall be municipal parties

which play no part in state and national politics, or whether state and national parties shall have municipal policies. To the solution of this problem Mr. Eaton has contributed very little if anything, and what he has said is apt to do more harm than good, by seeming to maintain that parties can and should be done away with entirely. In what sense "party" is used in the following is difficult of comprehension: "All the enlightened, well-governed cities of Europe are . . . without any sort of party government whatever."

Chapters IV, V and VI (some seventy pages) are devoted to Tammany Hall and its effects upon municipal administration. Although interesting, the logic of the discussion is doubtful. Tammany Hall is the lowest example of the party system at its worst—excepting, possibly, the Republican machine in Philadelphia. Thus, if the party system were to be condemned according to the principle: "by their fruits ye shall know them," a representative example should be selected for illustration. Further, Mr. Eaton makes the mistake of citing the history of Tammany Hall to condemn the party system when in reality Tammany Hall is more of a municipal party than any other in the United States; this goes to prove, if it proves anything, that municipal parties are not the principal salvation of city administration. In reality, the experience of Tammany Hall proves nothing as to the good or bad effects of the party system; it simply shows what may be accomplished when the uniting force is the "cohesive power of public plunder."

What Mr. Eaton says upon civil service reform, nominating systems, and "free voting," is more exact and more worthy of approval. In his treatment of the mayor and the council, he neither appreciates the difference between administration and legislation, nor realizes that the two functions ought no more to be united in the council than in the mayor—a plan which he strongly condemns. It is undoubtedly true that there should be some sort of a local legislative body which shall determine general lines of policy. But centralization of power in the council has produced in many cities as bad if not worse results than the "autocratic mayor." Experience seems to point to a differentiation of functions and to the transfer to the council of many powers now exercised by the state legislature.

In the portion of the work which discusses this problem especially, one feels that Mr. Eaton has confined himself too closely to New York history and experience. For example, Chicago has about the best charter of any large American city, and its experience throws much light upon several problems, but Chicago is mentioned, by actual count, only *five* times in the 500 pages, and two of these refer to the visit of a few hundred Chicago politicians to New York city in

1897—a mere incident. In fact, so much of the work is devoted exclusively to New York that its value as a general treatise is impaired. Upon the theory that each metropolitan city deserves a distinct kind of treatment determined largely by its own experience, this is perhaps pardonable; but principles for general application must be founded upon the experience of many cities and a careful personal investigation of European systems rather than secondary treatises. Thus, while the three chapters upon school, sanitary, police, and judicial administration contain many pertinent suggestions of general value, the two chapters on the Greater New York charter and *state-police* despotism in New York are somewhat out of place.

However, one should not conclude that Mr. Eaton's work is not of value. Many wisely will read it and find suggestions which, if adopted, would go very far towards increasing efficiency and towards creating higher standards of public morality.

New York City.

MILLO R. MALTBIE.

Liberty in the Nineteenth Century. By FREDERICK MAY HOLLAND, Pp. viii, 257. Price, \$1.75. New York and London: G. P. Putnam's Sons, 1899.

The author apologizes for the brief and unsatisfactory account given of developments under the French republic founded in 1870, on the score of lack of space. All the portions of the book in relation to European affairs stand in as great need of apology, for they are dry and inadequate, and have evidently been put in to support the title, which is much too big for the book. To the requirements of the title may also be attributed the supplement to the second chapter, which classifies under the general head of "The Fruits of Peace," such events as the European revolutionary movements of 1848 and the sanguinary struggle in Paris resulting from the Socialist experiment of national workshops. The original part of the book, comprising five out of its seven chapters, treats of the developments of radicalism in politics and religion. The author nowhere attempts to define liberty, but he generally identifies it with the dissolution of restraint upon individual action. He however makes qualifications for which he does not furnish a logical basis. He censures Garrison's methods and thinks that if more sensible notions had prevailed emancipation might have been accomplished gradually and peacefully. The weaknesses of Emerson and the Transcendentalists are subjected to acute comment, but such agitations as those carried on by Bradlaugh in England and Ingersoll in this country are described with complacency. The author

regrets that agitation in behalf of complete "religious liberty" has slackened, and he thinks this is "largely on account of an unfortunate occurrence." This "unfortunate occurrence" was the split in the National Liberal League relative to the laws excluding obscene literature from the mails. The agitation in favor of the repeal of the laws, as an infringement upon personal liberty, was opposed by a large number who drew the line at nastiness, and they seceded from the League which has since languished. The book is written in an oracular style, but it is interesting from the fact that it records the opinions of a shrewd and well-informed observer upon a curious medley of subjects. The thought is fundamentally defective in that it lacks a criterion of the meaning of liberty, and it constantly confuses means and ends. The author frequently refers to Spencer's philosophy, but he appears to have missed the chapter on Political Rights in Part IV of the "Principles of Ethics." At least it never seems to have occurred to him that while absence of restraint may promote liberty among certain peoples, who have gone through centuries of preparation for self-government, it may have just the contrary effect among peoples who have never received that preparation, and indeed may be destructive of their liberty. In its ultimate analysis liberty means the possession of appropriate means for the satisfaction of the needs of human nature and the development of its capabilities; but different peoples present different types of human nature, and it is conceivable that while liberty for some peoples may mean the right of governing themselves, it may mean for other peoples the right to be governed.

HENRY JONES FORD.

Pittsburgh, Pa.

The Puritan Republic. By DANIEL WAIT HOWE. Pp. 422. Price, \$3.50. Indianapolis: Bowen-Merrill Company, 1899.

This well-printed volume of 422 pages covers the history of New England up to the English Revolution of 1688. Most of the recent books on Puritan history relate to a single colony, but this is in its way as comprehensive as the first three volumes of Palfrey's "New England," which include about 1900 pages. Mr. Howe's work covers as many years as the admirable "History of the Bay Colony," by Hon. William D. Northend, of Salem, but the last is limited to the colony of Massachusetts Bay. The "Puritan Republic" suggests a comparison with the "Pilgrim Republic," by Mr. Goodwin, published in 1879, though Goodwin's book is larger by one-third.

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Judge Howe's book has a table of citations, which contains the titles of a hundred and fifty works. It includes most of the original sources of early New England history, and the author has made good use of them. The volume bristles with citations from Bradford, Winthrop and Sewall, from the laws of the colonies, the collections of the Massachusetts Historical Society, Chalmer's "Annals," Hutchinson's "History of Massachusetts," Palfrey's and Young's "Chronicles." An admirable feature of the book is the use made of town histories, such as those of Framingham, Sudbury and Marlborough. Inventories of estates are quoted, which show what articles of clothing, furniture and firearms, were in use, and what they were worth. Thomas Eames, of Framingham, *c. g.*, in 1676 had a house and barn appraised at £100, cattle and sheep worth £68, produce worth £68, furniture and clothing worth £77, or about \$1,500 in all. These local histories give one a definite view of life in early New England at a distance from Boston and the other large towns.

One misses from the table of citations most of the recent books which have added so much to our knowledge of early New England history. Our author never refers, for example, to the monumental work of Douglass Campbell, "The Puritan in Holland, England and America," which has taught us so much of the influence of Holland upon the builders of New England. He makes no reference to Goodwin's "Pilgrim Republic," or Northend's "Bay Colony," or Dr. Leonard Bacon's "Genesis of the New England Churches," or Dr. Dexter's "Puritanism as Seen in Its Literature," or Dr. Griffis' "The Puritan in His Three Homes," or Hopkins' "Puritans," or Professor Williston Walker's recent books, or Dr. John Brown's "Pilgrim Fathers," or a number of other books which certainly rank among the best of those relating to the colonial period. One who is familiar with this period misses from Mr. Howe's book a great number of facts relating to the distinction between the Pilgrims and the Puritans; the causes that led to the Puritan exodus from England, the motives which they followed and the heroic spirit which they manifested.

The volume begins with the sentence, "No Virgil would begin a poem with 'I sing of John White, of Scrooby.'" This is a singular inaccuracy. We do not associate John White with Scrooby, or with the Pilgrim Fathers. He was not, so far as we have ever learned, a Separatist, or a Pilgrim. He is known in history as the distinguished rector of the Protestant Episcopal Church in Dorchester, England, who had a leading part in preparing the way for planting the Puritan colony on Massachusetts Bay.

Mr. Howe gives us much curious and interesting information relating to the settlement of Massachusetts. But he does not seem to have

a high appreciation of the character of the Puritans, or of the principles which guided their lives. He tells many things relating to their intolerance and their severity. He leaves us to infer that he regards them as commonplace people. He fails to recognize the services which the Puritans rendered to English liberty, services which English historians, from Hume to Greene, have heartily acknowledged; or their services to the cause of popular education. He asserts that the leaders of the colony of Massachusetts were seeking for independence. But this is contrary to what they always stated. They claimed simply the rights which had been secured to them by their charter. That charter was almost as liberal in its terms as the present form of government of the Dominion of Canada. Winthrop and his associates protested against acts which were plainly inconsistent with the terms of the charter. But they always professed to be loyal subjects of the king, and to be ready to prove their allegiance in all proper ways.

But with some defects, like those indicated above, this is a book of real value. The fact that the author is a lawyer gives him a certain advantage in discussing questions relating to Puritan legislation. He has given us a book which will find many readers, and will help those who read it to find the true sources of information.

EZRA HOYT BYINGTON.

Newton, Mass.

The Elements of Vital Statistics. By ARTHUR NEWSHOLME, M. D., F. R. C. P. Pp. xii, 353. London: Swan, Sonnenschein & Co., 1899.

This work, in its third edition, is more complete, more concise, more graphic than the excellent edition of 1889. With much the same material, a better organization has led to the insertion of ten more chapters, the headings of which indicate that, as years go by, the English sanitarian assumes more and more the attitude of a student of social science rather than of medicine. It is the application of medical knowledge, its use to social ends and the amelioration of social ills that primarily interest the writer and his audience. The new chapters are: Population from an International Standpoint; Death Certification and Classification of Causes of Death; The Compulsory Notification of Infectious Diseases; Fecundity of Marriage; Relationship Between Birth-rate and Death-rate; Death-rates Corrected for Age and Sex Distribution; Infantile Mortality; Mortality from Cancer and Certain Other Causes; Short Methods of Constructing Life Tables; Changes in the English Expectation of Life; Miscellanea; Graphic Methods, etc.

This third edition has a double significance. It suggests that sani-

tation in England has passed the experimental stage, and has become a science employing the time and thought of scientific experts. In any country where a technical book, addressed to a specific class of government servants, passes through three editions in one decade, it must be true that the administrative department concerned is composed of progressive, wide-awake officials. It is to be hoped that the time is not distant when our American health administration will have reached the same plane.

But at this particular time, when in America, cities, states and the nation are making preparations for the collection of statistics pertaining to the numerous problems of social life, many of the suggestions contained in the book are of especial value. Few of our cities, and still fewer states, have any reliable vital statistics. Life-tables are comparatively unknown, and such topics as the "relationship between birth-rate and death-rate" are not understood. Our cities compare death-rates, and by using the crude rates it is easy to demonstrate that a western town, with few children, is much healthier than an eastern town, with a large proportion of children. Except for brief periods, and in a few localities, we have absolutely no reliable statistics by which we can understand the relation of occupations or density of population upon sick-rates or death-rates, etc.

Improvement of our vital statistics is ardently to be desired. Without such statistics a city or a state cannot possibly apply sanitary science intelligently or effectively. But more than this, without the facts it is impossible to educate the public as to the needs of proper sanitary administration. We are dependent either upon the unreliable generalizations of some enthusiast, or upon the equally unreliable judgment of the public, based upon limited observation; it is therefore impossible to make the people feel the need of modern precautions against the ravages of preventable diseases.

Of special importance to those in charge of our vital statistics is such a work as that of Dr. Newsholme. The history of England's total death-rate, and of the death-rates for infectious diseases as outlined in chapters eighteen and twenty-four, is very good evidence of the importance of accurate data. The desultory unchronicled warfare against disease from 1848-1874 led to some improvement, it is true, but the great gains from sanitation began to be apparent in the seventies, when the registration of vital statistics became compulsory. Once convinced by indisputable records that overcrowding, river pollution, careless treatment of contagion, etc., were levying heavy tributes upon society, the English people began to broaden streets, guard rivers, erect model tenements and baths, provide isolation hospitals, etc.,

Not until we have such authentic, complete records may we expect

our American states and municipalities to work together in a thoroughgoing, effective system of sanitary administration.

WILLIAM HARVEY ALLEN.

Philadelphia.

THE ECONOMIC PRINCIPLE UNDERLYING HUMAN INSTITUTIONS.

The Theory of the Leisure Class. An economic study in the evolution of institutions. By THORSTEIN VEBLEN. Pp. viii, 400. Price, \$2.00. New York: The Macmillan Co., 1899.

History of the New World Called America. By EDWARD JOHN PAYNE, Fellow of University College, Oxford. Vol. I, 1892. Pp. xxvii, 605. Vol. II, 1899. Pp. xxviii, 604. Price, Vol. I, \$3.00, Vol. II, \$3.50. Oxford: The Clarendon Press. American Branch, 91 and 93 Fifth Avenue, New York City.

Much of the recent trend of events in the social sciences indicates a widespread interest in the examination of the bearing of the economic principle upon social life and institutions. This principle has been stated clearly by John Stuart Mill in the ninth chapter of Book VI of his "Logic," as the psychological law that a greater gain is preferred to a smaller. Political economists, as a rule, make use of the principle only in its narrower aspects as "self-interest," but so varied are its broader applications in sociology and history that it fascinates many synthetic thinkers in various branches of knowledge.

Professor Veblen assumes without comment the validity and sufficiency of the economic principle throughout his work, and Mr. Payne announces it in the preface to his first volume, published in 1892, as something altogether new upon which he has stumbled accidentally in his search for a rational explanation of civilization, and in the use of which he has some misgivings. In the second volume, published seven years later, the mistaken newness has worn off and Mr. Payne makes good use of the economic attitude throughout his work.

Professor Veblen's field of inquiry is much more limited than one would at first sight suppose from his general and somewhat peculiar terminology and from an enumeration of the topics treated. He seeks to explain the effect of beliefs, tradition, institutions and social standards upon the industrial serviceability of the individual or group of individuals considered only as producers or consumers of material wealth.

The Leisure Class is made up of those engaged in worthy employments, which means those having the element of exploit. Furthermore, the class is non-industrial, in that its exploitation is one of human beings and has not for its ultimate purpose only the utilization

of non-human things. This class begins by appropriating things, and its history is one progressive drill in exploitation, appropriation and administration of appropriated goods. Women in primitive times are appropriated as trophies, and therefore the chief thing Mr. Veblen sees in his economic analysis of the function of woman in present society is the fact that she is still in a sense a trophy, an index of man's power and prowess, engaged in conspicuous, wasteful and vicarious consumption of goods, because in this way man can show most readily the extent of his economic resources. Woman is made to wear corsets as a final proof that she is not intended to do useful work.

The underlying motive in ownership is emulation. It has nothing to do with the needs of subsistence, but from the motives of pecuniary emulation property is, first and last, booty, regarded as a trophy and exhibited (consumed) in ways to bring out the power and prowess of the owner. Thus there arise secondary demands of emulation, which require abstention from productive work, because labor is evidence of inferior force. At least the exemption must be from all useful employment. "Time is consumed [by the leisure class] non-productively (1) from a sense of the unworthiness of productive work, and (2) as an evidence of pecuniary ability to afford a life of idleness." This is what Dr. Veblen calls "conspicuous leisure," and is supposed to explain on the basis of primitive distinctions, under the conditions of primitive society, the industrial value of the efforts and labors of the propertied classes in modern society. Much more in the same spirit could be cited if there were space to review the chapters on "conspicuous consumption," "the pecuniary standard of living" and "the pecuniary canons of taste."

Enough, however, has been said to point out Professor Veblen's chief error in method. He takes his data largely from the disputable facts of primitive society without even sufficient evidence that he has made good use of the best material so far as it goes, and he then assumes that having explained the origin of an institution he has explained its underlying motives and tendencies as it exists in modern society. Thus by a series of long-range deductions from the facts of primitive society, even assuming, for the sake of argument, that the facts are correct as stated, he explains the mechanism of many modern institutions in a way not justified by a direct economic analysis of the motives and tendencies of which the individuals in modern society who are re-creating and working in and through the same classes of institutions are conscious. By way of illustration Professor Veblen might say correctly that clothes originated in the desire for ornament at a time when they did not represent any real need for defence or

protection from climatic conditions. To conclude, however, that the desire for ornament is the chief desire in modern man's consumption of clothes would be to ignore the change in the nature of modern man, who, through the peculiar conditions of his heredity, finds clothes a requisite of existence, no longer being able in temperate climates to go without them. Hence the adaptation of clothes to his need of warmth, the demands of health and the adjustment of clothes to present activities become dominant factors even in ladies' clothing, factors revealed only by a direct analysis of present economic factors and not revealed at all by Professor Veblen's long-range methods.

Professor Veblen's errors are not all of the class that could be attributed to the error in method referred to.

Thus again to meet Dr. Veblen on his own ground, I may illustrate from what he says of the results of the animistic habit of thought (p. 287). In its effect on the believer, and in general what he says here reflects the spirit of his analysis of all religious belief whether classed as animistic or not, the result is a lowering of his effective intelligence in the respect in which intelligence is of especial consequence for modern industry. Just the opposite result is what we would expect from all *a priori* considerations, and indeed is what exact observation verifies. No doubt the spiritual outlook on the animistic and anthropomorphic plane is relatively a lower one than that possessed by believers in cults that have intellectually refined the animistic element. Take, however, the crudest forms of animistic cults in modern society in their effect upon their believers and contrast the latter with individuals in the same general class and stage of economy with respect to industrial efficiency: this is the problem posited by Professor Veblen if I understand him. Any psychologist will say that the believer is more industrious because he believes that he can do more by virtue of supernatural aid than an outside intelligent judgment of his powers would be willing to predict. He does accomplish more because he believes he can and therefore succeeds in approaching nearer the maximum limit of his real powers than he who does not share this belief. Furthermore the believer in animistic cults usually manifests a higher feeling of responsibility (1) to some higher being and (2) to his family or to other individuals and classes in society, and this feeling operates directly as an industrial motive producing industrial results. Perhaps no better illustration of what may be an absurdly anthropomorphic representation of spiritual forces but none the less an industrially effective one is revealed in the remark of the small boy who told his mother to go away because it was bad enough to have God watching him all the time.

Conspicuousness; invidious rivalry and imitation; social values measured by waste; social position determined by proficiency in chicanery, in conspicuous uselessness and in predatory instincts; social forces, the survivals of barbarian culture; these are the general conclusions reached. What has become of the first principles of evolution if a social order survives on that which has destroyed the social order it has displaced? What new elements have entered into the world-struggle to modify these relics of barbarian civilization? Is it not these new elements that are the essential factors in any such discussion as that projected by Professor Veblen, yet of them he has nothing to say.

It is safe to say that this is an almost untouched field of investigation for the political economist. Indeed the sociologist who must attack the same problems first in their more immediate effects upon the personality of individuals and upon the origin, structure, growth and permanency of social institutions has scarcely as yet attempted an analysis of the available material for such studies. Until sociology has made a more thorough study of social survivals it would seem *a priori* to be impossible to make with success any such cross-section investigation or comparison of results within the narrower field of the phenomena of industrial activity of what implies a co-ordination of the results of the two parallel social sciences of sociology and political economy. Dr. Veblen's book is sufficient proof of the hopelessness of the task as he conceives it, in the present stage of the social sciences. He has given us some interesting reading viewed as a cynical comment on modern life, and has made some contribution to the study of social survivals, but the title of his book is a misnomer, because it is not a satisfactory theory of the leisure class.

Within a more limited field of observation, but taking into consideration a far wider range of application than Mr. Veblen, Mr. Payne has succeeded in giving us in his "History of America" a most suggestive experiment in the use of the economic principle. He is not tempted to make the same error of method because in the two volumes already published he begins with the discovery of America and ends with a discussion of the Inca institutions in ancient Peru, and nowhere does he depart in his deductions from the scope of the data of primitive aboriginal American society. American history is in every sense indigenous. The social economy of the advanced aborigines is traced to physical conditions on this continent, and advancement is explained in terms of the organized provision of the food supply on an artificial as distinguished from a natural basis. Book I, making up about one-third of the first volume, is devoted to the story of the discovery with the stress laid on the principles of economic geography which the main facts in the discovery serve to

illustrate. Book II, comprising two-thirds of Volume I and all of Volume II, is devoted to aboriginal America, where civilization is shown to have proceeded, not from European causes but from physical causes inherent in the social condition and history, previous to the discovery, of the advanced tribal groups found by the Spaniards.

The absence in the New World of many animals capable of domestication, and especially of milch animals, gave agriculture the dominant place in the moulding factors of American civilization. One hundred pages in Volume I are devoted to a study of the artificial production of food and to the extension of agriculture until religion is added to agriculture as an economic factor in civilization. "The Covenant of the Gods" gives to human society coherence and stability, and thus becomes an important economic factor. While the substitution of an artificial for a natural basis of subsistence is the first stage in human advancement and the first great change in the transformation of human society, the establishment of the gods as the principal members of the community is the second stage, and the third stage, according to Mr. Payne, is the creation within the community of an industrial class, in subordination to a non-industrial class which directs and protects it. The functions of the leisure class in this analysis based on immediate data are: (1) To insure, by accumulated knowledge and provident care, that labor shall not be wasted and misapplied; (2) to stimulate labor, by compelling the laborer to perform an adequate amount of work, and (3) to confine consumption on his part within moderate limits.

A very interesting but too brief discussion of the Pueblo as the unit of aboriginal history is to be found in the second volume, the bulk of which, however, is devoted to a discussion of the origin and growth of language in its bearing on the problems of economic geography and historiography. This discussion goes quite a bit afield of the central problems in the two volumes which are of so much interest and importance to the economist and sociologist.

Mr. Payne has at least made a most satisfactory start in a fruitful direction both for historian and sociologist. It is safe to predict for his volumes a wide reading and a considerable influence upon future studies in many fields. The range of his information and the wealth of ethnological resources at his command entitle the author of the "History of America" to considerable praise and to a calm, considerate hearing.

SAMUEL McCUNE LINDSAY.

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NOTES ON MUNICIPAL GOVERNMENT.

AMERICAN CITIES.

New York State.—*Report of Railroad Commissioners.* The growth of the railroad and railway systems of the State of New York for 1899 is presented in the annual report of the Board of Railroad Commissioners.¹ The statistics of the street railway service are of particular interest. During the year the capital stock of the street railways increased from \$132,844,303.33 to \$151,427,128.33; the gross earnings from \$31,884,384.20 to \$35,460,822.71; the operating expenses from \$19,153,716.55 to \$21,142,563.63; the dividends paid from \$5,799,359.32 to \$7,076,219.50.

Governor's Message. In the recent annual message of Governor Roosevelt a number of important questions of municipal interest were treated. In dealing with the question of public utilities, the message says "there is no possible reason in pure logic why the city, for instance, should supply its inhabitants with water, and allow private companies to supply them with gas, any more than there is why the general government should take charge of the delivery of letters, but not of telegrams. When any private ownership entails great abuse and where the work is of a kind that can be performed with efficiency by the state or municipality acting in its collective capacity, no theory or condition should interfere with our making the change. . . . On one point there must be no step backward. There is a consensus of opinion that New York must own its own water supply. Any legislation permitting private ownership should be annulled." Further along in the message the governor recommends that a commission be appointed to deal with the question of revising the New York charter in order to remove the defects made evident by its workings during the last two years. The movement in favor of revision of the charter has acquired great strength, owing to the evils which have arisen from the division of power and responsibility. The bi-cameral municipal assembly has proved inefficient, while the presidents of the constituent boroughs have almost disappeared from the public view, owing to the unimportant powers which they wield. Another grave defect is the lack of careful codification of the law in such important matters as sanitation, highway regulation, and the like. It is probable that when a new commission is appointed a careful revision of the law in every department of municipal activity will be undertaken.

¹ Ashley W. Cole, Frank M. Baker, George W. Dunn, Commissioners, Albany, N. Y.

New York City.—*The Legislature and Municipal Home Rule.* The attempt on the part of the state legislature to obtain control over local affairs in the Greater New York is illustrated by a number of recent measures designed to impose upon the city, expenditures for distinctively local purposes. The opposition aroused by the bills and their ultimate defeat indicates the growing opposition to interference with the local affairs of municipalities. One of the bills in question required the city to lay out a park at Eleventh avenue and One Hundred and Ninetieth street; another prescribed that the city should repave with asphalt a part of Kent street in Brooklyn; another to repave Grove street in Brooklyn; another to require the city of New York to establish a public market in the eighth ward in the borough of Brooklyn; another to require the city to enlarge Riverside Park. All of these attempts go to show that neither the constitutional provisions against special legislation nor the desire of the New York Charter Commission to assure to the city local self-government have proved effective.

Bridge Commission. The legislature has recently considered a bill for the appointment by the governor of a commission of six to build a bridge over the East River, between the borough of Manhattan and the borough of Brooklyn, the entire cost to be borne by the city. Here again, the principle of municipal home rule is flagrantly violated, as the charter of the Greater New York places this matter under the control of the municipal authorities. A further objection is the provision that not more than three of the commissioners should be of the same political faith on state and national issues. The opponents of the measure very justly argued that in a public work of this kind the question of party allegiance should not enter.

Philadelphia.—*Work of the Municipal League.*¹ The annual report of the Board of Managers of the Municipal League of Philadelphia contains a summary of the work of the league during the year. The report furnishes a record of activity which covers almost every department of municipal affairs. The most important work has been in advocating the improvement of the water supply of Philadelphia. The league has been strongly in favor of filtration and has contributed considerably toward the adoption of the plan which is soon to be tried by the city. The league's work in dealing with specific problems of municipal government has been far more successful than its independent political campaigns. There is, in fact, very little in the efforts of the last two or three years to encourage those who are believers in independent municipal parties. At no time has the league endangered the supremacy of the dominant party and it does

¹ Hector McIntosh, Secretary, 1112 Girard Building, Philadelphia.

not seem likely in the present state of public opinion that such an independent movement will receive great favor. The league has, nevertheless, undertaken an independent campaign in the councilmanic and magistrates' election now pending.

Ohio.¹—*Revised Municipal Code of Ohio.* So much has been hoped for from the work of the commission to revise the municipal code of this state that the news that the work of the commissioners, when placed under the analysis of lawyers who are specialists in municipal affairs has been found to be a failure, will be a keen disappointment to all workers for municipal reform. It was to have been expected that many of our lawmakers would be opposed to the measure, but it was not supposed that the force of the supporters of the plan itself would be neutralized by dissatisfaction with the character of the commission's product. Such is the case, however, and it now appears extremely doubtful whether those who were most conspicuous in promoting the movement, which resulted in securing authority for the commission, and in outlining the scope of its work will support any movement toward securing the adoption of the new code. Report has it that those lawyers who have made a study of the work of the commission, declare it to be compiled in a loose and unsatisfactory manner; that the legal framework of the proposed code is defective, the phraseology confused and obscure and, judged on its legal merits alone, the whole measure is pronounced weak and inefficient. Much criticism is passed upon the commissioners for going outside of the original plan of the work, which was to regulate the evil of classification of cities in legislation, and to provide a uniform classification. The commission's bill joins with the plan for uniformity plans for civil service reform, the non-partisan ballot, municipal ownership and the referendum. The Ohio State Board of Commerce, from which body the movement that established the commission originated, is said to be disappointed with the work as it stands, and instead of asking for its passage will either suggest a revised form of the bill or endeavor to continue the commission on the basis of a Commission of Revision. It is safe to say that the work as it stands will not be pressed strongly before the legislature.

Cleveland.—*Street Railway Situation.* The Cleveland City Railway Company has submitted a proposition for a renewal of its franchises, none of which expire, it contends, before 1908. The proposition was laid before a joint committee composed of the mayor, nine members of the city council, three members of the board of control, one

¹Communication of M. A. Fanning, Esq., Secretary Municipal Association, Cleveland, Ohio.

member of the park commission and three members of the municipal committee of the chamber of commerce. The Municipal Association was invited by Mayor Farley to send a committee of three, but the association declined to do so, and reminded the mayor of the pledge he gave the association a year ago, when a candidate for election, that if elected he would not favor, during his term of office, the renewal of any of the existing street railway franchises. The company proposes, in brief, to pay to the city immediately \$200,000 as a contribution to grade crossings and other improvement, 2 per cent of its gross receipts for the first five years after 1908, 3 per cent for the succeeding five years, 4 per cent for the third five year period and 5 per cent for the remaining two years. The Municipal Association takes the position that no franchises should be renewed until within a short time before their expiration. The action of the mayor in facilitating the work of securing franchise renewals is severely criticised. Public sentiment is so strongly against franchise renewals that it is doubtful if any ordinance can be put through at the present time.

New Orleans.—*Sewerage and Drainage System.*¹ In a communication on municipal affairs in New Orleans, which appeared in the last issue of the ANNALS, it was stated that a special session of the legislature had authorized the city of New Orleans to create a loan of fourteen millions for the establishment of a sewerage and drainage system, and that thus "the first important step in the sanitary regeneration of New Orleans had been taken."

To accomplish this much-needed reform, bonds are to be issued, the interest on which, together with the principal, is to be paid by a special tax of two mills on real estate for forty-three years. It has been discovered, however, that as New Orleans is the only city in the state that is not permitted to add to its present indebtedness, the new constitution of the state must be so amended as to authorize the issue of these bonds. This amendment will be submitted to the people at the next general election in April, 1900, and will undoubtedly be adopted. After this measure has been taken, it is believed that there will be no difficulty in floating the bonds at a low rate of interest.

The sewerage system will not be put into operation for some years to come, as many months must be consumed in the consideration of plans and specifications for such an enormous enterprise. The drainage system, however, which is entirely distinct, has already been put into partial operation. With funds on hand from other sources, the city constructed about a year ago a splendidly equipped central plant, by which two pumping stations are now being run. It is proposed

¹ Communication of Professor John R. Ficklen, Tulane University, New Orleans.

that there shall be eight stations in all. The average rainfall in New Orleans is sixty inches, but very frequently there are semi-tropical downpours that change the principal business streets into lakes. In such cases it will be necessary to pump the surplus water as quickly as possible into Lake Pontchartrain, just outside the city; but under ordinary circumstances, the surface drainage of the city will be raised to a higher level by each successive pumping station, until it is finally dumped into Bayou Bienvenu, and then conveyed by the ebb of the tide into Lake Borgne. The central power plant is operated entirely by electricity—the first instance, it is claimed, of electrical power being used for such a purpose in the United States.

Water Works. The city has been much interested for two months past (November 15 to January 15) in the suit brought by the state against the New Orleans Water Works Company for the forfeiture of its charter. The evidence has been taken, but it has proved so voluminous that it will require a month or more to write out the stenographic reports, and the case will not be called for argument until March.

The original water works charter dates back to the year 1833, when it was customary to grant bank charters with the obligation attached of undertaking some work of public improvement. Up to this time the city had received its water through wooden pipes, but the Commercial Bank was chartered with the provision that it should spend \$100,000 a year on the construction of water works. When the city finally got possession of the property in 1868, the state was passing through the throes of reconstruction, and for this and other reasons the management of the water works was most unsuccessful.

Consequently, in 1877 the property passed once more into the hands of a private corporation for fifty years, the city retaining some of the stock and being represented on the board by three out of seven directors. Some months ago the city council called the attention of the legislature to an alleged violation of the charter on the part of the present corporation. The corporation had contracted to furnish the city with "an adequate supply of pure water," and it was contended that the water furnished was neither adequate nor pure. The legislature, having investigated through a committee, instructed the attorney-general to bring suit for forfeiture of charter.

At this writing it is impossible to say what will be the outcome of the suit; but during the progress of the litigation some interesting facts were brought to light.

1. The company has made several efforts to filter or otherwise purify the water of the Mississippi, but has invariably failed to better its quality.

2. It appeared that while there are 585 miles of inhabited streets in New Orleans, only 121 miles are furnished with any kind of water mains, thus leaving 464 miles without any water pipes at all.

3. It was shown that the rates have been so high as to be almost prohibitive for people of humble means, and that in times of drought the company had opened many of its plugs and given in charity what it would have been wiser to make the people pay for at a moderate rate.

4. The owner of a large cotton mill had found his bill for water so high—it was \$5,500 a year—that he bored artesian wells, and had refused to take any more water from the company.

5. The population of the city has almost doubled since 1877, and the amount of water used is much greater on account of the increase of manufacturing plants. But the company, after cutting off 2,000 hydrants for non-payment of dues and other causes, has during the last twelve years brought into use only 1,000 additional hydrants.

The leading newspapers and the majority of the citizens have declared in favor of municipal ownership of the water works, being considerably influenced by the proposed establishment of the sewerage and drainage system. The city will certainly be seriously handicapped in this work if the water works remain even partially under the control of a private corporation.

In the meantime a northern syndicate has obtained an option on the majority of the stock of the present company, and has offered to furnish the city with water ten per cent cheaper than it has been obtainable up to this time; to lay additional mains wherever it can be done at a profit of four per cent, and to sell the whole plant to the city at a fair valuation in 1906 or ten years later. The Drainage and Sewerage Board refuse to consider this proposition until the constitutional amendment is adopted. Until that time the legal status of the board is not clear.

Omaha.¹—*School Board Investigation.* The community has been profoundly stirred by recent disclosures made by an investigation of the official conduct of certain members of the local Board of Education. This body is elective, a third of its members being chosen annually, and none receiving compensation. The members of the present board, though all affiliating with the same political party, have been divided into factions; and at the opening of the present year the introduction of new members left in the minority a faction of the board which had previously constituted a majority. The new members, together with some of the former minority, and aided by

¹ Communication of Charles Sumner Lobingier, Esq., of Omaha.

some prominent citizens, had been preparing for sometime to institute an investigation. Suspicions having been aroused that the city had been systematically swindled in the purchase of school supplies, building sites and in the letting of contracts, and that certain members, who seemed to control a majority of the board, were using their positions to profit by these corrupt transactions, detectives were employed to probe the matter to the bottom. These detectives, assuming the rôle of agents for school supply houses, opened negotiations with the suspected members for the sale of supplies at extravagant prices, out of which, according to the testimony of the detectives, the members were to, and in some cases did, receive a percentage. During the negotiations, the detectives claim, the accused members disclosed much information concerning their previous corrupt course of dealing. All these matters were brought to light through the testimony of the detectives at the investigation, with the result that three of the accused members have been arrested and bound over for the crime of bribery, and it has been rumored that others will be implicated. Under the Nebraska statute, bribery is a felony punishable with a maximum imprisonment of five years in the penitentiary.

Municipal Ownership of Public Works. This question will be one of the issues of the approaching campaign. The movement for the acquisition of the waterworks, which was discussed in the November number of the ANNALS, has resulted in the passing of an ordinance submitting to the electors a proposition for the issue of bonds to the amount of \$3,000,000 "for the appropriation or purchase of waterworks or land therefor." This ordinance was drawn by a committee of the Commercial Club, and displaced one previously before the council providing for a bond issue of \$5,000,000, which amount, it was thought, might appear so extravagant as to invite the defeat of the whole proposition.

Public Lighting. In a recent message, the mayor recommended that steps be taken towards the acquisition of a municipal electric light plant, and reminded the council that the existing contract with the Thomson-Houston Company for public lighting would expire on December 31, 1902. In this connection, it is worthy of note that the franchise granted by the city to the local gas company reserves to the former a royalty of five cents per thousand feet of the amount furnished to private consumers. In the year 1899 the city's revenue from this source was over \$11,000, and it has been estimated that within the next decade it will be sufficient to defray the expenses of municipal street lighting by gas.

FOREIGN CITIES.

Berlin.¹—*Mayoralty Conflict.* The case of Oberbürgermeister Kirschner has already been made the subject of a communication to the ANNALS. (Vol. xiv, p. 94, July, 1899.) To recapitulate briefly what was there said: Former Oberbürgermeister Zelle retired from the chief magistracy of the city of Berlin, October 1, 1898. The city council had already elected to succeed him Herr Kirschner, who up to that time had held the office of Bürgermeister, assisting Oberbürgermeister Zelle. But the consent of the king is necessary before the mayors-elect of larger Prussian cities can assume office. For some unaccountable reason this was not given. Public opinion soon connected the circumstance with a resolution passed by the city council for the restoration and improvement of the Friedrichshain cemetery in which repose the remains of those who fell in the March days of 1848. The government, suspecting a desire on the part of the council to glorify revolution, was supposed to be exhibiting its displeasure with the city administration by withholding the confirmation of Herr Kirschner. That the Minister of the Interior, von der Recke, expressly denied in the Landtag all connection between the two circumstances did not in the least modify the generally accepted opinion regarding the motive of the government.

Meanwhile the police president of Berlin refused his approval to the plans submitted by the *Magistrat* on behalf of the council for the improvement of the cemetery. Thereupon the *Magistrat* appealed to the *Bezirksausschuss*, which is the administrative court of first resort in such cases. The *Bezirksausschuss* decided in favor of the police president, and the *Magistrat* then carried the case to the Supreme Administrative Court, which also upheld the police president. It is the duty of the latter official, according to the text of the final decision, to maintain the public peace, security and order. The action of the council, as shown by the widespread and sometimes violent comment it aroused, especially in revolutionary circles, threatened public order, therefore the police president was justified in his action. The court of first instance had based its decision on the intent of the city council to glorify revolution, but this ground was not sustained by the Supreme Administrative Court which applied the single test of the objective possibility of public disturbance arising from an act of the council. With this decision, which was handed down December 13, 1899, further action in the matter on the part of the council was effectively blocked. On the twenty-third of December the Kaiser took occasion to address Herr Kirschner at a great

¹ Communication of Robert C. Brooks, Esq., Cornell University.

public gathering as Oberbürgermeister of Berlin, and the latter's confirmation reached him immediately thereafter. Thus was closed, not without some theatrical effect, the interregnum of almost a year and a quarter during which the city was without a chief magistrate, and in consequence also without representation in the Prussian House of Lords.

In the light of subsequent developments there can hardly remain any doubt as to the connection between the withholding of the confirmation and the Friedrichshain incident. The attempt of the government to make it appear otherwise is easily explainable. It is clearly contrary to the spirit of the City Government Act that the royal authorities should use the extensive powers of confirmation vested in them to coerce municipal corporations. Any persistent attempt on their part to do so would make local self-government in Prussia a mere farce. Minister von der Recke was naturally anxious to avoid the odium of such a construction. The Kirschner case was unprecedented, and judged by its political effects, will not soon be repeated. Such a policy can hardly fail to exasperate and strengthen radicalism in Prussian cities generally.

London.¹—*Reorganization of Governmental Structure.* The most important piece of municipal legislation which became law during the last session of Parliament was the London Government Act. It is far from being a complete reform, but it sweeps away the anomalous vestries and the numerous minor boards and creates well-defined municipal boroughs throughout the metropolis. The act does not seriously interfere with the London County Council, which remains the central governing authority, exercising a supervising power in some matters over the new boroughs and carrying out all the important work which is metropolitan and not local in character. A good deal of indirect advantage will be derived from the new boroughs. More symmetry will be given to local government in London. Many irregularities will disappear, and the new authorities will be more enterprising and ambitious.

During the last six months commissioners have been at work adjusting boundaries and preparing the way for the new municipalities which come into existence in November next. The old parochial boundaries of London have never been altered. As a consequence, detached or isolated portions, which were of little consequence when they were fields, became a source of difficulty when they were built over. Still the mother parishes cling to them. Now all these irregularities are put right, and local feeling has been overruled. Some of

¹ Communication of Robert Donald, Esq., Editor of "The Municipal Journal and London."

the coming boroughs find their areas curtailed, while others are increased. A whole parish in the adjoining county has been annexed to London.

From the point of view of progress the change will do good. The new boroughs are likely to be progressive. Although the act was passed by a Tory government, the Progressives will reap the first benefit, as they do in the case of every change. The County Council was created by a Tory government, and constituted in a way which it was hoped would make it conservative, but it has been held by the Progressives from the time of their first unexpected victory.

Municipal Electric Plants. Another attack will be made in Parliament during the forthcoming session on municipal trading. Last year several electric power companies made an attempt to get bills passed permitting them to compete with municipalities and to supply light and power over large areas. They were defeated. It was held as a matter of principle that municipalities which were not neglecting their duties should not be interfered with, as they had been granted practical monopolies by Parliament. Several of the companies have not been discouraged by the fate of last year's bills, and are promoting similar schemes; the largest applying to South Lancashire and South Wales. In one or two cases the companies have obtained the provisional orders granted to local authorities.¹ Such companies will naturally be in a strong position and will be able to carry out their proposal. The argument in favor of it is that by distributing current in bulk from large generating stations in the coalfields it can be supplied cheaper than by local authorities in the several districts. This is true in small districts, but would not hold good in the case of large cities, where the municipalities are able to produce current at less cost than companies, as they can borrow money at a lower rate and only require to make their undertakings self-supporting.

¹ A provisional order is a permit from the Board of Trade to establish electricity works, which has to be confirmed by parliament, but as soon as it is granted it is always a marketable article and can be transferred from a municipality to a company and from one company to another.

SOCIOLOGICAL NOTES.

The Summer School in Philanthropic Work,¹ to be conducted by the Charity Organization Society in New York City, June 18 to July 28, 1900, announces its third summer course. The addresses by specialists from different cities, the visits to institutions in New York and vicinity and the practical work on the part of those who register as members of the school, have been arranged to illustrate five main topics as follows:

The Care and Treatment of Needy Families in Their Homes.

Dependent, Neglected and Delinquent Children.

Medical Charities.

Institutional Care of Adults.

Neighborhood Improvements.

The school will continue during six weeks, half the time being devoted to the first topic. It is designed to give to graduate university students and to persons already engaged in philanthropic work, as far as the limited time permits, a first hand view of social conditions in New York and the philanthropic efforts at their improvement. In the nature of the case, so brief a course must be introductory only, but following the experience of the two previous years, it will seek to help two classes of persons, first those who look to philanthropic work as an occupation, and second, those who having a general interest in social work, serving perhaps on important committees or boards of direction, desire a closer knowledge of conditions and remedial agencies.

An outline of the topics for discussion each day during the course follows, subject to change in detail as need may require.

Monday, June 18.—Registration. Assignments to district work. Preliminary assignment of topics for report.

Eight p. m.—Social meeting.

Tuesday, June 19.—An address upon the object and scope of the school.

An address upon the purpose of charitable endeavor, to show the co-ordination in charitable work in general, and in the topics on the program.

An explanation of the United Charities Building, with visits to some of the offices.

The Treatment of Needy Families in Their Homes.—June 20 to July 7. Dr. Jeffrey R. Brackett, of Baltimore, in charge, June 20 to 26.

¹ Contributed by Dr. Philip W. Ayres, New York City.

Wednesday, June 20.—An address upon the treatment of needy families, covering the general features to be discussed during the three weeks following. Visits to district offices of the Charity Organization Society.

Thursday, June 21.—The first considerations in a case of need. How to get the facts. A study will be made of the Registration Bureau and Application Bureau in the United Charities Building.

Friday, June 22.—The uses and limitations of material relief. Discussion by members of the Association for Improving the Condition of the Poor, the United Hebrew Charities and the St. Vincent de Paul Society. Visits to Jewish charities.

Saturday, June 23.—A summary of the salient points discussed during the week, by the members of the class appointed for the purpose, and a review of district work done during the week.

Monday, June 25.—Public out-door relief; the experience in leading American cities. Visit to the Brooklyn Bureau of Charities.

Tuesday, June 26.—The problem of finding employment. In the evening an address upon the tenement home with lantern photographs.

Wednesday, June 27.—The care of families in which there is sickness. Visit to the Nurses' Settlement.

Thursday, June 28.—The inculcation of thrift. Visits to institutions for saving. In the evening a visit to the lower East Side.

Friday, June 29.—The removal of children from their homes.

Saturday, June 30.—Summary of the week and review.

Monday, July 2.—Co-operation in securing aid and attention for families; illustrations from the work of the Charity Organization Society in Baltimore.

Tuesday, July 3.—The part of personal influence in establishing independence; illustrations from the work of the Associated Charities in Boston.

Wednesday, July 4.—Visit to a charitable enterprise removed from the city.

Thursday, July 5.—An address upon the causes of criminal tendencies among boys.

Friday, July 6.—The attitude of non-sectarian agencies toward religious teaching in the home.

Saturday, July 7.—Summary and review.

The Care of Dependent, Neglected and Delinquent Children.—July 9 to 14, Mr. Homer Folks, of New York City, in charge.

Monday, July 9.—An address upon institutional and placing out methods in dealing with children. Visit to the municipal institutions for children on Randall's Island.

Tuesday, July 10.—Relations between public authorities and private agencies in the care of children. Discussion by representatives of the work of the State Board of Charities, the municipal department of charities, the Children's Aid Society and the State Charities Aid Association.

Wednesday, July 11.—The prevention of cruelty and the care of neglected children. Visits to institutions for children.

Thursday, July 12.—An address upon what can be said for the parents of dependent, neglected and delinquent children. Visits to institutions, continued.

Friday, July 13.—The care of delinquent children, what part does placing-out occupy in this case? This subject will be discussed with special reference to the placing-out work of the Massachusetts State School for Boys at Westboro, Mass.

Saturday, July 14.—Summary and review.

Medical Charities.—July 16 and 17, Dr. Silas F. Hallock, of New York City, in charge.

Monday, July 16.—The proper sphere of medical charities in New York City. Visits to Bellevue and other public hospitals.

Tuesday, July 17.—The care of contagion, including tuberculosis. There will be a study of the work of the municipal laboratory of the Department of Health. Visits to dispensaries and a typical private hospital.

In the evening a discussion of medical care for children.

Institutional Care of Adults.—July 18 to 21, Professor Samuel McCune Lindsay, of Philadelphia, in charge.

Wednesday, July 18.—Municipal care for adults. A visit to the Municipal Lodging House.

In the evening an address upon almshouses in England and the United States, illustrated with lantern photographs.

Thursday, July 19.—County poor houses in New York State. Visits to the almshouse and the correctional institutions on Blackwell's Island.

Friday, July 20.—State supervision of private and public institutions. Discussion by representatives from the State Board of Charities and the State Charities Aid Association.

Saturday, July 21.—Summary and review.

Neighborhood Improvements.—July 23 to 28, Mr. Edward T. Devine, of New York City, in charge.

Monday, July 23.—The purpose and scope of social settlements. How far are their objects attained? Visits will be made during the course to several settlements.

Tuesday, July 24.—The movement for small parks and playgrounds in crowded neighborhoods. Illustrative visits.

Wednesday, July 25.—Housing as a municipal movement. Visits to improved tenement houses.

Thursday, July 26.—The progress of municipal activities affecting the welfare of wage-earners. In the evening an address illustrated by lantern photographs.

Friday, July 27.—Summary. During this week visits will be made to vacation schools, recreation piers and departments of municipal administration illustrating the main topic.

Saturday, July 28.—Closing visits.

Among those who have taken part in the work of the school in previous years, and who are expected this year, are: Mr. James B. Reynolds, head-worker at the University Settlement in New York; Mr. Jacob A. Riis, Miss Zilpha D. Smith, general secretary of the Associated Charities, Boston; Miss Mary E. Richmond, general secretary of the Charity Organization Society in Baltimore; Mrs. Mary Kingsbury Simkhowitsch, head-worker at Friendly-Aid House, in New York; Dr. George F. Keene, of Providence; Dr. William H. Park and Dr. Henry D. Chapin, of New York; Dr. Stephen Smith, member of the New York State Board of Charities, and Mr. Robert W. Heberd, secretary of that board; Hon. John W. Kellar, president of the Department of Charities of the City of New York; Dr. J. S. Billings, librarian of the New York Public Library; Dr. Josiah Strong, president of the League for Social Service, and Dr. William H. Tolman, secretary; Mr. N. O. Fanning, of the Department of Correction; Mr. William M. F. Round, secretary of the New York Prison Association; Mr. Mornay Williams, president of the Board of the New York Juvenile Asylum; Professor John R. Commons, of New York.

The school is in charge of a committee of the New York Charity Organization Society, including members from different cities who have given much care and time to the movement. The names of members of this committee are: Mr. Robert W. de Forest, New York (chairman); Dr. Jeffrey R. Brackett, Baltimore; Mrs. Glendower Evans, Boston; Mr. Homer Folks, New York; Dr. E. R. L. Gould, New York; Dr. Silas F. Hallock, New York; Miss Anna B. Jennings, New York; Professor Samuel McCune Lindsay, Philadelphia; Mrs. Charles R. Lowell, New York; Professor Richmond Mayo-Smith, New York; Miss Mary E. Richmond, Baltimore; Miss Zilpha D. Smith, Boston.

In previous years several members of the school have found residence in the social settlements of New York, Brooklyn and Jersey City, which affords an additional help in studying life in its different

phases in crowded neighborhoods. A limited number can secure similar accommodations this year. Board varies from six dollars per week upward.

A registration fee of ten dollars is received from each student. A few scholarships remitting this fee are available. The requirements for admission are that one must have completed a college or university course, or have had at least one year of practical experience in philanthropic work.

It is not desirable that the enrolment of the school should be large; only a limited number of members, therefore, will be received. Persons contemplating membership are requested to read the following books before registration:

Warner, "American Charities."

Richmond, "Friendly Visiting among the Poor."

The latest report of the New York Charity Organization Society.

Other reading suggested but not required:

Loch, "Charity Organization."

Woods, "City Wilderness."

Wines, "Punishment and Reformation."

Reports of the Boston Associated Charities, Baltimore Charity Organization Society, New York State Charities Aid Association, New York Association for Improving the Condition of the Poor and the New York Children's Aid Society.

The sessions will be held in New York, usually in the Library of the Charity Organization Society.

For further information address the director of the school, Dr. Philip W. Ayres, United Charities Building, 105 East Twenty-second street, New York City.

A New Departure in Social Settlements.¹—In response to an appeal from a clergyman in Hazard, a squalid, wretched little town in the heart of the Kentucky mountains, the Federation of Women's Clubs of that state established a social settlement for work among the mountaineers during last August and September. Three able women volunteered their services. One of these had, in the past, tramped and ridden through the remote valleys and coves of this upland region, distributing papers and magazines, so she knew well the conditions which were to be met.

A word about these Kentucky highlanders. In point of civilization they are just where their pioneer ancestors were a hundred and twenty years ago, having lost in this interval the common institutions of

¹Contributed by Miss Ellen C. Semple, Louisville, Ky.

church and school, which had been left behind in the denser population of the Atlantic plain. Hidden away in an almost inaccessible country, isolated by mountain ranges from the outside world and *from each other*, their naturally fine stock deteriorating constantly from the effect of too close intermarriage, moonshine whiskey and wretchedly cooked food, these people have degenerated in many respects; and yet, in talking with them, one is deeply impressed with the fact that the material is sound and good, that all the abiding excellencies of the Anglo-Saxon race are here, though overlaid with ignorance, thriftlessness, and immorality.

The social settlement was established in a camp near Hazard, the original "Hazlan" of John Fox's Cumberland Vendetta, and the scene of the famous French-Eversole feud. It is a town of about six hundred inhabitants, on the North Fork of the Kentucky River, about forty miles from the nearest railway station. The journey thither was made in a wagon which carried the *impedimenta*, and took the greater part of two days, because of the unspeakable mountain roads the average rate of travel being a little less than two and a half miles an hour. The tent was pitched about half a mile from the town, in the midst of a cedar grove on the top of a knoll. It was made as clean and attractive as possible, decorated with flags, Japanese lanterns, and photographs of the best pictures. It was provided with a bookcase made of a box draped with an embroidered cover, and a dressing-table, also made of a box, covered with white cotton put on with brass-headed tacks. The cots were made presentable with spreads and pillows. Outside were hammocks, steamer chairs, and a table with flowers and books. Shelves nailed to the trees about held papers and magazines. The kitchen was off to one side in a booth made of cedar boughs and covered with an oil-cloth. One who has seen the dirt, poverty, and desolate lack of beauty in the interior of a mountain cabin, can realize what a revelation this camp was to the people who visited it.

The novelty of the tent and the things done there attracted the people in large number. Its fame spread over range after range, and penetrated as a rumor of the wonderful unto remote coves. One visitor presented herself at the tent door one day with the words: "I heard tell 'way over on Greasy Fork how there wuz a woman here as gives away picture books, and I always allowed I wanted a picture book, so I walked seven miles over the mountains to git hit." From thirty to forty came to the camp every day. They commenced to arrive at six in the morning, and the last did not leave until six in the evening. Daily the guests at dinner and supper amounted to twenty or twenty-five.

The work done was chiefly with the women, for they were most in need. The entering wedge was an invitation to the girls to come up to the camp and help cook supper or dinner; everything had a picnic air, but the soundest lessons were taught. Their instructor had taken a course in the school of hygienic cooking at Battle Creek. The best ways of cooking bread and simple vegetables were taught. Whole-some beaten biscuits were substituted for the jaundiced soda biscuit, which forms the chief reliance of the mountain housewife. A general tendency on the part of the girls and women to wash the dishes in the handbasin and wipe them with the skirts of their dresses had to be checked and finally eradicated. And after a week or two a habitué of the camp would wither with a look of disgust a new-comer who tried this trick. The table was spread out under the trees, laid with spotless cloth and napkins, and provided with a vase of flowers surrounded by sprigs of cedar in lieu of a centre-piece. The comment of one of the girls was: "I never seed flowers on an eating table before. I never did think of hit, but things eat better when they look pretty."

About ten o'clock in the morning the stores of Hazard were visited, with the purpose of inviting to the camp any women who might have come to town—a monthly or tri-monthly expedition—to purchase supplies. One day they found a gaunt woman who had come "mule back" fifteen miles over the mountains to buy a slade, used in weaving. They asked her to come up to the camp for dinner and a rest in the hammock, but she could not be induced to "lay in that seine." She investigated the kitchen and took a lesson in biscuit making with keen interest. When a group of girls arrived for the sewing class, which was then learning to hem-stitch white ties, she was provided with a piece of muslin, proved an apt pupil, finished one end of her tie, and said she would do the rest at home. Late in the afternoon, when she was ready to leave, with hands full of papers and magazines, an unwonted light came into her pathetic face as she said, "I never seed any quare women like ye all before. I come to town to-day, aiming to get my slade and go right back on Carr's Fork; and now I seed the best thing I ever seed in all my life."

In a little while the work was in running order along many lines. There were classes in sewing, cooking and reading every afternoon, and a kindergarten was instituted for the little children. One young man, a school teacher, came for an hour every day for lessons in shorthand. Boys were to be seen stretched out under the trees, reading the juvenile literature provided for them, sometimes three heads close together poring over the same *Youth's Companion*. But the most difficult and delicate task was to instill into the women and girls the

great feminine principle of morality. Among these people personal immorality is not even under the ban. The girls as a rule are pure; but they marry when between thirteen and eighteen years old, and it is after they have become wives and mothers that they lose any sense of chastity they may once have had. The evil, therefore, dwells by the hearthstone, and the only example for the young to copy is one of wrong, all this, too, in the prevailing one-room cabin.

In one respect the Hazard camp reached the ideal of the social settlement. During the seven weeks it was in operation none of the natives suspected its philanthropic purpose. This was due in part to the rare tact of the women who conducted it, but also to the democratic spirit of social equality which is characteristic of all mountain communities. The assumption of superiority is inconceivable to these people, and there is something in their bearing that at the very start forbids condescension.

The cost of this settlement for seven weeks was a hundred and seventy dollars. No small part of this went for transportation over the mountains from the railroad station. It is the purpose of the Kentucky Federation to continue the settlement next summer, opening it early in June; and there is a plan on foot to put it into permanent quarters in a cabin, so it can be in operation a larger part of every year.

Swedish Industries.¹—The *Ekonomisk Tidskrift* (Häften 7-9, 1899) presents a digest by K. Key-Åberg of the annual report of the board of trade with reference to manufactures and industry. These are considered from the standpoints of geography, history and industrial statistics, the digest attempting "to fill out the skeleton of statistics with flesh and blood from geographical and historical sources."

The report bears evidence to an energetic display of force and initiative in the field of Swedish industry. The official figures foot up to the following totals: Businesses, 8,974; laborers, 220,202; value of output, \$211,500,000. In these figures mines and dairy-works are not accounted for, though they are among Sweden's most important industrial undertakings; other inaccuracies, such as double reckonings, etc., also distort the totals. With corrections of such inadequate and misleading figures, the final results would stand about as follows: businesses, 11,526; laborers, 254,531; value of output, \$265,400,000. The chief value of this report, the reviewer says, lies in the fact that the various industries are subjected to an individual examination. Tables are constructed showing the comparative strength of the

¹ Contributed by Dr. A. G. Keller, Yale University.

various industries, and of the various provinces with respect to industry. The tabular form is effectively used elsewhere in the article.

For purposes of industrial classification Sweden may be divided into three sections: the region north of Lake Siljan, comprising the larger part of the kingdom, supports from its pine forest a great timber-cutting industry; in the south agriculture is possible and profitable, and a great expansion of modern industry has taken place, while the central region is devoted chiefly to mining.

In the extreme south (Malmöhus province) the raising of the beet and the refining of sugar is coming to be a great industry; after having been tried many years unsuccessfully, the culture of the beet is made possible by the production, in Germany, of a superior (white) variety. The import of sugar has fallen from 68,200,000 pounds per year in 1892 and 1893 to about 1,980,000 pounds in 1897. The distilling of brandy is a special industry of Kristianstad; it is distilled from potatoes, the whole industry paying a tax of about \$270,000.

In the south, certain inventions of machinery and tools have set upon its feet a large dairy-trade; there are now shipped yearly 52,800,000 pounds of butter and 220,000 pounds of cheese, to a value of some \$11,340,000. Areas of production have been much combined in this field; where the concerns were small and individual, ruinous competition has ensued.

Mills have increased their power and output to such an extent since 1892-4 that, whereas in that period on the average 66 million pounds of wheat and 39,600,000 pounds rye flour were imported, in 1897 these figures had sunk to 11,660,000 and 14,520,000 pounds respectively. In 1897 there were imported 242,000,000 pounds of unground wheat and 99,000,000 pounds unground rye.

Metal and textile industries and breweries are confined to the neighborhood of Stockholm and other of the larger cities. The manufacture of glass, wood-pulp and paper, matches and tobacco is flourishing, and the quarrying and export of stone, together with the clay and lime industries, are the objects of ever more eager attention. Mining is among the growing industries, though it is hampered much by the lack of native coal-fields. Blast-furnaces are fed with charcoal, and the production of iron is therefore dependent almost entirely upon the integrity of the forests. Many of the present mines have been worked since the early Middle Ages and some from a remoter antiquity. Iron is the chief product; gold, silver, copper, zinc, etc., are also mined. The forests are none too thick, and yet must do double duty, for the sawing and planing mills, especially along the coast,

demand a great deal of timber for the maintenance of Sweden's largest export industry.

After some such general review of the subject, the writer goes into detail and examines individually each of the Swedish provinces. Several instances will serve to illustrate the treatment of this part of the report.

Stockholm, the capital, is described separately. As a matter of history, in 1760 Stockholm was very prosperous and apparently committed to the mercantile system of the time. This prosperity was a false one, however, for it rested almost entirely upon foreign initiative, and so could not endure. The exotic growth died by 1800; less than half as many workmen were then employed as in 1760. Not until the middle of this century did industry, this time native, arise and establish itself permanently.

In our days the centre of gravity of Stockholm's industries lies in the production of various articles of food and luxury, and in metal work. A catalogue of the chief establishments, with names of proprietors, number of workmen, etc., is here given. It is noted that the city's beauty is marred by none of the expected discomfort and unsightliness of a manufacturing town, inasmuch as all the manufactories are located in the suburbs.

The special industry of each province is pointed out: we find Norrköping the "Leeds" and Borås the "Manchester of Sweden," are introduced to the unpliant people Uppsala and other ancient homes of culture, and to the inertia of Visby. The illustrations are sometimes suggestive studies in social history. Especially is this the case in Småland; nature here was even less bounteous than usual, but was reacted upon by a sturdy people in whom intelligence and thrift were infused by the contact. To this poor land, in 1845, suddenly came the modern match industry; the canny people benefited to their utmost from the good fortune, and soon the name of Jönköping's "tändstickor" was known across the seas. In 1897 there were reckoned in Småland not fewer than thirteen match factories, employing 2,800 hands and producing an output worth nearly \$1,080,000. The same folk seized upon the pulp and paper industry, and now, in spite of poor resources, Jönköping holds no dishonorable place in the catalogue of Swedish provinces.

The fishermen of Göteborg and Bohus alternate between periods when living is rather precarious and times of great prosperity; the latter coincide with the periodic presence of herring schools. From 1747-1808 catches were frequent; the herring then deserted the coast till 1878, since which time the herring fishery has again flourished. In 1892, the zenith year of the closing period, there were exported

198,000,000 pounds of fresh and 70,400,000 pounds of salted or dried fish.

The timber cutting began with a certain use of water power as early as the sixteenth century; during the seventeenth and eighteenth its growth was retarded by internal and external hindrances. The Government of Sweden was seized by a fear lest the destruction of the forests should cause a change for the worse in the climate, and lest the charcoal supply, upon which the iron industry depended, should be exhausted. Heavy protective and prohibitive tariffs shut off England and other external nations, each of which had its timber-producing colonies. After the fall of Napoleon I. these narrow views and practices were gradually given up and enterprise, chiefly native, raised the industry to its present importance. During the last decades its growth has been accelerated: in 1859 Sweden's entire export of timber was valued at \$2,300,000; ten years later this estimate had crept up to \$14,200,000; in 1897 Sweden's export of unworked timber was valued at more than \$40,500,000. Of this value 70 per cent was derived from the forest wastes of Norrland.

The review says nothing about hours of labor, insurance or the like, confining itself strictly to its subject. It provides a valuable list of statistics to the student of this particular field.

The Race Problem: A Southern Conference.—Thus far much of the work of social reconstruction in the South since the war, especially in the matter of negro education, has, unfortunately for all parties concerned, had its roots centered in the North. It is, therefore, an exceedingly promising sign to find the white men of the South aroused to its importance and ready to initiate for themselves the freest discussion of all aspects of the race problem. Under date of January 4, 1900, the following letter was sent out to the leading citizens of Montgomery, Ala., by a representative committee composed of prominent white men in that city:

"My Dear Sir—The undersigned take the liberty of addressing you with reference to a plan which we believe to be fraught with great good to the South and to Montgomery; and we earnestly request an interested and considerate reading of the statement which follows:

"As Southern men, we feel that any real solution of our race problem can be best approached by the people of the South themselves, and under the leadership of those forces which represent the dominant influences of our own section. We have realized, however, that there is as yet among us no parliament either of men or of ideas. There is no general organ or institution through which the varied aspects of Southern conviction can gain expression. Believing, as we do, in the value of debate and in the uses of argument, we think that

a conference of Southern men upon this subject will have a deep and far-reaching influence upon our public opinion. This conference, if successful, might be held each year, and might become our recognized organ for the expression of Southern sentiment in relation to the most vital of Southern problems. In order that it may command in the fullest sense the interest and the confidence of our people, we should prefer to have its sessions open to the abler and more responsible advocates of the various conflicting opinions which obtain among us. We should like to see this conference deal with such subjects as the relation of the negro to the franchise, the relation of the negro to education and to religion, and the relation of the negro to the social order (including a discussion of the lynching question.) We see no reason why this conference should not become national in its interests and its influence, and, as citizens of Montgomery, we see no reason why Montgomery should not become its annual home.

"If the first conference can be held here in the month of May in the present year, it will be necessary for us to attempt at once its preliminary organization. The task is one of magnitude, but we believe that the citizens of Montgomery, if they will work together in its behalf, can successfully accomplish it. As an initiatory step, we suggest a committee of twenty-five to take the general subject under immediate consideration, and we ask you to become one of this committee. The first meeting of this committee is appointed for the lecture-room of the Central Presbyterian Church, corner of Washington and Lawrence streets, at eight o'clock, on the evening of Monday, January 8, 1900.

"The possibilities of such a conference to the South, to the business, as well as to the moral and educational interests of Montgomery, will then be outlined more fully and more clearly. Will you not at least attend the meeting in person and give the subject a careful hearing?

"Very sincerely,

"GEORGE B. RAGER,
"NEAL L. ANDERSON,
"J. B. GASTON,
"B. J. BALDWIN,
"W. F. VANDIVER,
"EDGAR G. MURPHY."

All but two persons to whom the letter was sent replied in most favorable terms, endorsing the idea. A meeting was called and an executive committee appointed to prepare the details of a plan of action. That committee has issued a prospectus for a "Southern Conference for the Study of Race Problems in Relation to the Welfare of

the South." It will be a great interstate meeting to be held in Montgomery, May 8-10, 1900, and annually thereafter, under the auspices of "A Southern Society for the Promotion of the Study of Race Conditions and Problems in the South." The object of this society, as stated in its constitution, "shall be to furnish by means of correspondence, publication, and particularly through public conferences, an organ for the expression of the varied and even antagonistic convictions of representative Southern men on the problems growing out of the race conditions obtaining in the South; and thus to secure a broader education of the public mind as to the facts of the situation, and a better understanding of the remedies for existing evils."

Extracts from the official announcement of the first conference:

"We wish to create a perfectly free arena for the expression of every serious phase of Southern opinion. We shall not expect the speakers in this conference to agree, for we are not agreed ourselves, on the various questions to be presented. We believe, however, in discussion. Through the conflict of opinions, and the courteous expression of honest differences, we believe that we shall advance the education of the public mind North and South. If most of the debates revolve about the negro it is not because we are solely bent upon his especial welfare. Our interest is primarily enlisted for the people of the South as a whole. We are concerned in the broadest sense for the prosperity and happiness of our Southern country. We shall not forget the neglected elements of our white population. In our general situation, however, the negro is an important factor, industrially as well as in other ways, and we feel that the difficulties of the situation cannot be dissipated by a policy of silence. We hope, therefore, to secure frank and thorough discussion of such questions as these:

"1. *The Franchise*.—Should the franchise be limited by law? If so, how? If limitation is desirable, should such limitation be based on educational or on property qualifications, or on both?

"2. *The Negro in Relation to Education*.—Should the education of the negro be wholly or chiefly industrial? What is the relation of the negro who has had industrial training to the untrained white laborer of the South? What is the extent of the need for the industrial training of the white population? What are the advantages and disadvantages to the South of the negro as a laborer?

"3.—*The Negro in Relation to Religion*.—Should we advise the raising of the standard of ordination for the negro clergy? How much is expended by the white race in behalf of religious work among the negroes? How much of money for religious purposes is

administered by negro leaders? How much is administered by white leaders? What religious work is showing the truest results—that under the auspices of white agencies, or that administered under the auspices of negroes? How can we increase and better the religious guidance of the negro? What is the religious condition of the negro to-day compared with that of ante-bellum days? What are the most hopeful lines of progress for the future?

"4.—*The Negro in Relation to the Social Order.*—Is the negro to remain as a permanent element in Southern life? Is there antipathy to the negro in the South? If so, is it industrial or racial, or both? Is race antipathy a curse, or a blessing to both races? How far has the agitation of the question of "social equality" increased difficulties, and resulted to the disadvantage of both races? Is the crime of rape increasing or decreasing in the South? Is lynching an effective remedy? If not, why not? Are there adequate legal penalties for the offenses often punished by lynching? How can the legal provisions for the punishment of crimes against women be improved? What is the effect of lynching, as a remedy, on the public mind—of the whites?—of the blacks? Has the increased severity of mob penalties tended to the greater security of the home?

"As the committee have explained, they are themselves divided as to the answers which should be given to many of these questions. They would also welcome expressions from men who honestly think that nothing can be done through discussion to aid in the solution of our racial difficulties. The questions, moreover, are entirely suggestive, as merely indicating the general lines which the discussion may be expected to take. As we have declared, our sole purpose is to represent and to serve the South. We expect to find southern speakers who may ably and fully and fairly give due representation to all sides of the great questions which are demanding solution at our hands. In order to give general distinction to the gathering, a few speakers representative of the broader and more sympathetic phases of Northern thought, will be asked to be present as our guests. By giving a just opportunity to the opposing advocates in each debate, we shall hope to aid in the establishment of the truth and in the education of public opinion. The South has nothing to lose and everything to gain from a fearless, scholarly, and patriotic discussion of her own problems by her own sons."

The secretary of the society and also of the conference is the Reverend Edgar Gardner Murphy, Rector of St. John's Church, Montgomery. His address is P. O. Box 370, Montgomery, Ala.

BOOKS RECEIVED FROM NOVEMBER 25, 1899, TO FEBRUARY 1, 1900.

- Adams, H. B.**, Public Educational Work in Baltimore. (Johns Hopkins University Studies in Historical and Political Science. Series XVII, No. 12.) Baltimore. \$0.25.
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- Bancroft, H. H.**, The New Pacific. New York: Bancroft Co. \$2.50.
- Becker, C.**, Ueber den Einfluss der internationalen Getreidekonkurrenz auf die jährlichen Schwankungen der landwirtschaftlichen Gelderherträge und auf die Anbauflächen in Grossherzogtum Hessen. Gießen: Univ. Druckerei.
- Becker, W.**, Die Initiative bei der Stiftung des Rheinischen Bundes 1254. Gießen: v. Munchow.
- Bouglé, C.**, Les Idées Égalitaires. (Bibliothèque de Philosophie Contemporaine.) Paris: Alcan. 3/75.
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- Byington, E. H.**, The Puritan as a Colonist and Reformer. Boston: Little, Brown & Co. \$2.00.
- Chapman, S. J.**, The History of Trade Between the United Kingdom and the United States. London: Swan Sonnenschein & Co. 2s. 6d. Scribner's Sons.
- Clancy, J. J.**, A Handbook of Local Government in Ireland. Dublin: Sealy, Bryers & Walker. 10s. 6d.
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- Crookes, W.**, The Wheat Problem. Putnam. \$1.25. (London: John Murray.)
- Davenport, C. B.**, Statistical Methods. New York: John Wiley & Sons. \$1.25.
- Demoor, J.**, Massart, J., and Vandervelde, E., Evolution by Atrophy in Biology and Sociology. Appleton.
- Driesmans, H.**, Das Keltentum in der Europäischen Blutmischung. Leipzig: Eugen Diedrichs. 4m.
- Eaton, D. B.**, The Government of Municipalities. Macmillan Company for Columbia University.
- Fergusson, D.**, Translated by, Trial of Gabriel de Granada by the Inquisition in Mexico, 1642-1645. (Publications of the American Jewish Historical Society, No. 7.)
- Gilman, T.**, Federal Clearing Houses. Houghton, Mifflin & Co. \$1.00.
- Gonner, E. C. K.**, The Social Philosophy of Rodbertus. Macmillan Co. \$2.50.
- Graham, W.**, English Political Philosophy from Hobbes to Maine. London: Edward Arnold. 10s. 6d.
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- Haggard, H. R.**, A History of the Transvaal. New York: New Amsterdam Book Co. \$1.00.
- Hansult, G. M.**, Das Patronat in der evangelischen Landeskirche des Grossherzogtums Hessen. Friedberg: Carl Damon.
- Hill, J. A.**, The English Income Tax. (Economic Studies, Vol. IV, Nos. 4 and 5.) Macmillan Co. \$1.00.
- Hillegas, H. C.**, Oom Paul's People. Appleton. \$1.50.

- Hollander, J. H., *Studies in State Taxation*. (Johns Hopkins University Studies in Historical and Political Science, Series XVIII, Nos. 1, 2, 3, 4.) Baltimore.
- Howard, G. E., *Syllabus of Lectures on Origin of the French Revolution*. San Jose: University Extension Club.
- Hull, C. H., *Economic Writings of Sir William Petty*. Cambridge (England) University Press. Macmillan Co. \$6.00.
- Publications of Institute of Social Economics. *Lecture Bulletins*. New York: Institute of Social Economics.
- Judson, H. P., *The Growth of the American Nation*. Macmillan Co. \$1.00.
- Kornemann, E., *Zur Stadtentstehung in den ehemals keltischen und germanischen Gebieten des Römerreichs*. Giessen: Universitäts Druckerei.
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- Lloyd, A. H., *Philosophy of History*. Ann Arbor: George Wahr. \$1.50.
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- Munro, R., *Prehistoric Scotland and Its Place in European Civilization*. Edinburgh and London: Wm. Blackwood & Sons. 7s. 6d.
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- Payne, R. J., *History of the New World called America*, 2 Vols. Oxford: Clarendon Press. Macmillan Co.
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- Washington, B. T., *The Future of the American Negro*. Boston: Small, Maynard & Co. \$1.50.

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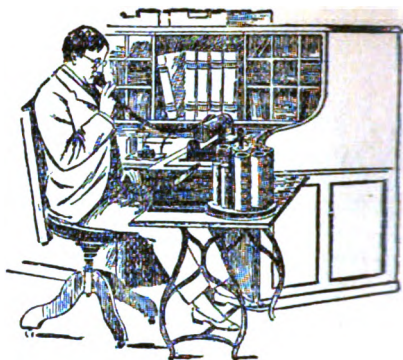
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THE GOVERNMENT OF A TYPICAL PRUSSIAN
CITY—HALLE A/S.

The city of Halle, called usually Halle-on-the-Saale, to distinguish it from other cities of the same name in Germany, is situated near the head of navigation on the River Saale, twenty miles northwest of Leipsic and one hundred miles southwest of Berlin. It is one of the most ancient cities of northern Germany, having a history based on written records running back nearly eight hundred years, at which time it was already a city of considerable size. It is first mentioned as a city in the year 1024, but was included in a grant of land made by Otho the First in the year 961, and was possibly the Burg Halla, which name appears in old documents from 806 on. It had become the second city in the archbishopric of Magdeburg as early as the first part of the twelfth century, and grew rapidly in industry and power until it was important enough to be accepted as a member of the Hanseatic League at least as early as 1281. From that time on it has been an important city in that portion of Germany in which it is situated, though long since surpassed in wealth and population by its near neighbor and former rival—Leipsic.

Since the latter part of the forties it has grown steadily and at times rapidly, becoming of late a great railroad and industrial centre. The population, which was about 30,000 in round numbers in 1850, had become 42,000 in 1860, 51,000 in 1870, 71,000 in 1880, and 101,000 in 1890. The next census in the present year will show a population of about 135,000, or, counting the suburbs which will be by that time incorporated in the city, 155,000. It is therefore a rapidly growing middle-sized city, in the way of becoming a great city before many decades.

It may fairly enough be taken as a type of the modern, rapidly developing German city of medium size. Its financial, governmental, economic, social, sanitary and educational problems have been those of an old city, with a style of building, habits of life, and standards of public comfort characteristic of the eighteenth century, which has suddenly had to face all the embarrassments growing out of a rapidly increasing population, with an ever more imperative demand for all the modern improvements of city life.

It has had to adjust itself to the new conditions under a form of government which was established in its outlines in the early part of this century, at the time of the Stein and Hardenberg reforms—somewhat modified about 1830, and again in 1853, but since that time remaining practically unchanged.

It would be difficult to find an American city growing from 30,000 in 1850 to 150,000 in 1900, which has not changed its form of government a half-dozen times. It will be of interest therefore to examine this scheme of governmental organization, which, adopted for a small city, belonging essentially to the last century, has been found satisfactory for a modern city of the highest type.

The city of Halle forms an independent circle—the ultimate unit in the scheme of administrative organization of the Prussian state. It is a part of the government-district of Merseburg, which itself is a subdivision of the province

of Saxony—one of the twelve great divisions of Prussia. The city authorities are subject in many respects to the supervision of the higher administrative officials of the government-district, of the province, and of the state.

The area of the city circle is 9.6 square miles; the population at the end of October, 1898, 125,421. The area of the government-district of Merseburg is 3,980 square miles; the population 1,075,569. The area of the province of Saxony is 9,750 square miles. The population in 1895 was 2,698,549—not differing much in area and population from that of Massachusetts and Rhode Island combined [9,135 square miles; 2,604,000 (1890)].

The city authorities in Prussia, like those in our own country, are not merely organs of local self-government, but are also the local agents for the performance of many general functions imposed upon them by the district, province, state, and even the imperial governments.

The most striking and peculiar feature of city government in Prussia is the so-called *Magistrat*, a term which may be translated as the magistracy, the board of magistrates or board of aldermen, or, with reference to its most important function, the executive or administrative board. The last mentioned term, namely, administrative board, will be used to describe this body in the present article.

The administrative board of the city of Halle consists of seventeen members, including the mayor, who is the presiding officer and director of the board. Eight of these are salaried members and nine unsalaried. The eight salaried members are chosen for a term of twelve years; the nine unsalaried members are chosen for a term of six years—all of them by the city council. The board is collegiate in character and can act only by a majority vote, though in cases of urgency the mayor may act for it, being required, however, to report his action immediately to the board for its consideration and action. One-third of the members constitute a quorum for the transaction of business. The

fact that certain members of the board are expected to give all their time to the work of the board and that others are expected to give only a portion of their time is reflected in the fact that some of the members are salaried and some are not. Any citizen of the town may be chosen to the position of unsalaried member, though he cannot be a member of the city council at the same time. It is an honorary office, and persons chosen must perform the duties of the same unless excused for some good reason by the city council, under the penalty of a very considerable increase in their tax rate. One-third of the unsalaried members retire from the board every two years. The retiring members are re-eligible indefinitely. The most important departments of public administration are divided among the salaried members, who are expected to devote all their time to the work of their offices. These members are chosen generally without any specific assignment of functions and might be described as members without a portfolio. It is the duty of the mayor to divide up the public business among the members of the administrative board in what seems to him the most efficient and satisfactory manner.

Two salaried members of the administrative board have been chosen, however, in Halle with special reference to particular departments. One of these, called the school inspector, is the official adviser of the administrative board upon school matters. Another, called the city architect or engineer, is the official adviser of the board upon all matters relating to building, to the public works, etc. The former is a trained school man and the latter a trained engineer—a graduate of a school of technology. There are no restrictions upon the city council in its choice of members of the administrative board, except that at least one of these members shall have the qualifications required of men who desire to pursue the judicial or higher administrative career. Such member, if the only one possessing these qualifications, would become naturally the legal advisor of the board

or the city attorney. As a matter of fact, however, the tendency is very steadily toward requiring as a qualification for election to salaried membership in the board the completion of the full course of legal study and practice required for the admission to the bar or to the judicial career. Thus, not counting the school inspector and the city engineer, all the salaried members of the board in Halle, with one exception, possessed such qualifications before they were elected to their present positions.

As a rule, men are chosen to the position of salaried members of the board who have had experience in the service of other cities. This class of positions has become therefore in a certain sense a career. A city desiring a mayor looks about among the successful mayors of other cities and seeks to get the best man it can find for the salary it can pay, and so for the other salaried positions on the board.¹ The present salaried members of the board in Halle have all been called from similar positions in other cities. The choice of all members of the administrative board must be approved by the higher administrative authorities. The approval of the King must be obtained for the choice of mayor and assistant mayor, or head mayor and mayor, as the two officials are called in the city of Halle. The choice of the other members must be approved by the president of the government-district in which the city is situated.

The administrative board, although defined primarily to be an executive and administrative authority, has not only the supervision, control and conduct of the entire city

¹ The following advertisement, which is typical, appeared in a Cologne paper recently: "As the undersigned will be retired under the pension law on the 4th of October, 1900, the position of Mayor of the City of Gladbach will thereby become vacant. Candidates who have passed the State examinations for the higher judicial or administrative career, and who have had experience in the administration of a large city, are requested to send in their applications by the 10th of March. The salary is 10,000 marks, with right to a pension, and 1,500 marks additional for expenses.

(Signed.)

"HEAD MAYOR OF GLADBACH."

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administration, but shares also in the local legislative authority, since all resolutions of the city council, with comparatively few exceptions, relating to its own constitution, the passing upon the election of its own members, etc., must receive the approval of the administrative board before they can have the effect of local ordinances. The administrative board is authorized to make recommendations to the city council upon all subjects relating to city legislation and administration. It prepares and submits the business to be transacted to the city council, and while it does not always submit it in the form of a definite resolution, still, as this is the most convenient and speedy method of transacting the business, it is a form quite commonly adopted. Its relation toward the city council resembles in some respects the relation of an English cabinet toward the House of Commons, or, perhaps better, the relation of the executive board in Switzerland to the legislative branch.

As will be seen later, while the city council has also the right to initiate legislation, as a matter of fact nearly all legislation is initiated in the administrative board, and even when the city council desires to pass an ordinance upon any given subject, the form of action usually consists in a request to the administrative board to submit an ordinance to the city council, relating to the subject in hand and embodying the ideas of the council. The double character of the administrative board, as a body which prepares legislation for submission to the city council and as a co-ordinate branch of the legislative authority itself, is revealed in the ordinary process of passing an ordinance. The administrative board, having decided that an ordinance is necessary, drafts the same and submits it to the city council, with a recommendation that it be passed. Even when accepted by the city council without change, it must still receive the formal consent of the administrative board before it can go into effect.

The peculiar relation of the city to the higher administrative authorities is shown by the possibility of appeal

by either the administrative board or the city council to the higher authorities, in case these two bodies cannot agree as to the desirability of proposed legislation. If, for instance, the city council regards an ordinance of a certain kind as very necessary, passes the same and sends it to the administrative board, which, however, refuses its consent, the ordinary result would be that such ordinance could not be enacted, and the condition would remain in *statu quo* until the two bodies could agree upon an ordinance. But in Prussia the city council may appeal in such a case to the government-district authorities. If, in the opinion of the latter, it is not a pressing matter, and may therefore be left to ultimate settlement by the ordinary method of agreement between the two bodies, resulting in inaction until such agreement can be reached, it is the duty of these authorities to refuse to interfere; but if, on the contrary, it should take the same view as the city council, viz., that this is a subject calling for action and calling for action of the kind indicated by the city council, it may approve the resolution of the council, thereby making it an ordinance, binding the administrative board. The administrative board may in the same way prepare a resolution, and if it is not accepted by the city council, the board may appeal to the district authorities in the same way as the council may appeal, the process being exactly similar in both cases. In a word, it will be seen that for certain pressing matters, or at least for matters which one or the other of the local legislative bodies regard as very pressing, it is possible to substitute for the consent of either, the consent of the higher administrative authorities of the district.

It is fair to say, however, that statistics show that little or no use is ever made of this privilege. In the city of Halle during eighteen years only one such instance has occurred. In that case the question turned upon the method of raising a certain sum of money required for city purposes, either by a tax upon house owners or a tax upon

house occupiers. The city council, made up for the most part of house owners, insisted upon raising the money by a tax on house occupiers. The administrative board considered that under the circumstances this was an unfair burdening of house occupiers and an unfair lightening of the burdens of house owners. The district authorities agreed with the administrative board, and the city council was compelled to accept the proposition of the administrative board as to the method of raising these taxes.

It might seem on the face of it as if the fact that the administrative board, if chosen by the city council, would make the former a mere agent or instrument of the latter. But, in the first place, the long term of office of the salaried members and the high character of the unsalaried members gives them a far greater degree of independence than one might believe possible on *a priori* grounds. In the second place, there is a very important pressure brought to bear upon the city council to re-elect the salaried members of the administrative board, upon the expiration of their terms of office, even if they do not altogether like them, by the fact that the city is required to pay a pension to the salaried members of the administrative board who are not rechosen at the expiration of their term of office. This pension is equal to one-half of the total salary at the end of the first twelve-year period, and the entire salary at the end of the second twelve-year period. This practically makes the position of salaried members of the administrative board a position during good behavior, unless the person is retired on account of physical or other inability to perform the duties of the office, in which case he is also entitled to a pension, varying according to the years actually served.

A further guarantee of the independence of the administrative board is to be found in the fact that the law assigns certain matters exclusively to its jurisdiction. The entire conduct and control of the local administration, the appointment of members of the city civil service, control over those

branches of the public administration which do not require the expenditure of money, etc., are vested in the administrative board to the exclusion of any interference on the part of the city council. All these things combined give to the administrative board at least the full dignity and authority of a second legislative chamber, and, on the whole, considering its extensive administrative functions, constitute it not only the most striking feature in the municipal government of Prussia, but also the most powerful. The higher authorities may insist, moreover, on a suitable treatment of the administrative board by the city council as to salary, expenses, etc., and the board is thus protected in its sphere of action against too great encroachments on the part of the city council.

The collegiate character of this board is an important and interesting feature of the public administration. The common notion that Prussia is governed by a bureaucracy is nowhere more strikingly refuted than in city administration, and one may say in local administration in general. In no large country in the world is greater care taken to provide that a decision, so far as it involves the question of expediency in any important public matter, shall not be made by one man, than in the kingdom of Prussia. In every department of the government, where it is possible, the system of boards with collegiate authority has been introduced, and where it is felt that such a system might lead to divided responsibility and the principle of one-man authority is therefore accepted, still such officer is required by law to consult certain boards, to get their official advice and opinion before acting. The whole spirit of the Stein and Hardenberg reforms involved, in one direction at least, the active participation of the lay element as distinct from the professional element in the administration of public affairs, and this principle has found the most extensive application in every department of local government in Prussia. Nothing can be done in the sphere of civil administration except

by boards which contain to a large extent a lay element; that is, a non-professional element; and in every instance the director or presiding officer has little more to say than any other member of the board, his chief advantage consisting in the right of an appeal to the higher authorities in certain cases considered by him to be of very great importance. Thus, in the administrative board of the city of Halle, while there are eight salaried members, who may be considered professional in character, who may be looked upon as in a certain sense inspired by the official and bureaucratic spirit, which creeps so easily into every system of public service, yet the fact that no action can be taken by any one of these without the consent of the board, or, in any important matter, without the fullest discussion and criticism (of the proposed policy) in the board, prevents that deadening influence which grows out of official routine and official arbitrariness and despotism. When we consider further that in this board, which has the sole power of deciding all important matters, a majority, nine out of seventeen, are lay members, it will be seen that provision is made for the fullest and most complete discussion and representation of the controlling and leading views in the community; for these nine lay or unprofessional members are chosen from among the leading citizens, from among men of high station in the various departments of social, professional and industrial life. In general, this participation of great numbers of the citizens in the active work of municipal administration is one of the striking features of the system of local government in Prussia, and it will be difficult to find in the history of any other nation such a remarkable development of public spirit and public interest in municipal affairs within so short a time as has taken place in Prussia under the impulse of this system and the spirit in which it has been administered since the beginning of the century. This feature explains the wonderful development of efficiency, of initiative enterprise, of thrift and

economy, which is characteristic of the system of local government in the Prussia of to-day.

While the mayor is, primarily, simply the president of the administrative board, he has a certain authority which distinguishes him from the other members of the same. It is his function, as noted above, to distribute the business to be transacted among the members of the board, and to supervise and control their administration. He has a certain power to inflict fines upon any member of the city civil service and to order the same into arrest for a certain brief period, in case of neglect or violation of his duties. In case he regards any action taken by the administrative board as exceeding its authority or violating the general laws of the state, he may veto the same, and if the administrative board chooses to appeal to the supervising authorities against the veto of the mayor, it has the privilege of doing so. In other words, in case of a permanent disagreement between the mayor and the rest of the board as to the legitimacy of certain action on the part of the board, the consent of the higher authorities may be substituted for the consent of the mayor. This privilege of vetoing the action of the board is very seldom exercised. It has not been exercised in the city of Halle for the last eighteen years.

The independence of the administrative board over against the city council, which was discussed above, is also further favored by the fact that the general laws of the state and the ordinances of the superior local authorities, provincial and district, may and do assign certain functions relating to the execution of the general laws of the state and province to the administrative board alone, or else to the mayor. In general, the mayor and the administrative board are the local organs, which are entrusted with the local execution of general state and provincial legislation. In their capacity as representatives of the higher legislative and administrative authority, they are not subject to any control on the part of the city council. This circumstance

tends still further to increase the independence and the power of the administrative board, even in the management of purely local affairs.

A large part of the function of an American city council consists in the issuing of local police ordinances; but in Halle the whole administration of the police and the power of issuing police ordinances is vested in the mayor as the representative of the state government. This practically means that a very important part of the local ordinance power is vested in the mayor, though in most cases the consent of the administrative board is necessary to the making and publishing of these ordinances.

The meaning of the term "police" in the German state is very broad, though perhaps not so extensive as the term "police power" as used in English and American law. The function of the police is declared in the general code of the kingdom to be "the establishment of the necessary measures for the preservation of public quiet, safety and order, and for the protection of the public or of individual members of the same from dangers which may threaten them." This, it will be seen, is a very extensive function—more exactly defined, it is true, in the law, by the enumeration of the particular matters which fall under that head. Some notion of the extent of this authority may be obtained from a brief summary of the subjects included within it, contained in the general law relating to the exercise of the police power in Prussian cities. It is declared that to the jurisdiction of the police authority belong the following subjects:

- (a) The protection of person and property.
- (b) Order, security, and ease of intercourse upon public streets, roads, squares, bridges, banks of rivers and waters.
- (c) The system of markets and public sale of provisions.
- (d) Order and regularity in the public assembling of large numbers of persons.
- (e) The public interest in lodging houses and hotels,

wine, beer and coffee saloons, and other establishments for the sale of food and drink.

(f) Protection of life and health.

(g) Protection against the danger of fire in the erection of buildings, as well as against injurious or dangerous actions, undertakings or events in general.

(h) The protection of fields, meadows, pastures, nurseries, vineyards, etc.

(i) Everything else which may be ordered by the police in the special interest of communities and their members.

In issuing police regulations or ordinances concerning the above mentioned subjects, with the exception of those relating to public security, the mayor is bound to obtain the consent of the administrative board. In matters relating to agricultural police, the mayor must also obtain the consent of the city council.

The law, however, confers upon the city authorities as such the right to issue police ordinances in regard to certain definite matters, and in such cases the consent of the city council is, of course, required to the issuance of such ordinances. To illustrate the way in which this works, we may take as an example the relation of the city to the public slaughter-house and stock-yards. Under the general municipal code of Prussia, which is based on the principle that cities may do (not what is expressly permitted as in the case of American communities, but) what is not prohibited by the law, a city would be authorized to establish a public slaughter-house if it chose to do so, provided it could obtain the consent of the superior administrative authorities, which, generally speaking, would not be refused. But, having established the public slaughter-house, the city could, under the general municipal law, have no authority to require that all slaughtering in the city should be done in the public slaughter-house. This ordinance could only be passed by the police authority, which, in this case, would be the mayor and the adminis-

trative board. But a general law, passed by the state in 1869, provides that cities which choose to erect public slaughter-houses may by local ordinance require that all slaughtering be done in these houses. Thus, a portion of this police authority is vested in the city authorities in general and requires for its exercise the consent of the city council.

The vesting of the police authority in this large sense in the mayor and the administrative board practically makes the latter a more powerful body, for some purposes, even in the sphere of what we should be likely to call in the United States local ordinance, than the city council itself.

The city council of Halle consists of fifty-four members, chosen in accordance with the well-known Prussian three-class system.¹

As this system has been recently well described and somewhat in detail in the number of "Municipal Affairs" for September, 1899, it will not be necessary here to go into any great detail as to the method of election of the members, but a general description is necessary, since the city of Halle shows some deviations from the provisions in the general law.

All the qualified voters of the city are arranged in a list in the order of the amount of direct taxes which they pay to the city, district, province and state. The sum of these taxes is then taken, beginning at the highest and continuing until a sum equal to one-third of the total taxes paid by all the qualified voters is obtained. The persons who together pay this first third of all the direct taxes constitute

¹ The normal number of members in the city council is indicated in the general municipal code, and varies according to the population of the cities; but the provision in the municipal code is directory and not mandatory. The number in the city council is therefore practically determined by local ordinance, though the normal number indicated in the municipal code represents the centre around which the actual number in the various cities may be said to fluctuate. Thus, the number in the city council of Halle, which was fixed at twenty-seven under the revised municipal code of 1831, remained at that figure until 1866, when the number was increased by local ordinance to forty-five, where it remained until 1890, when the number was fixed at fifty-four by local ordinance.

the first voting class. The addition is then continued until the second third of the sum total is obtained. The persons who together pay this second third constitute the second voting class. All the other qualified voters, who together pay the last third of all the direct taxes, constitute the third class. Each of these classes is entitled to choose one-third of the members in the city council—or in the case of Halle, eighteen. As the term of office of the members of the city council is six years, and as one-third retire every two years, each class is entitled to choose six members every two years. The law provides that in case there are more than five hundred voters in any class, the city may be divided into electoral districts for the choice of members. In the case of Halle the city is not divided into electoral districts for the choice of members in either the first or second class, but is divided into five districts for the choice of members in the third class—one member being chosen in each of four districts and two in the fifth.¹ A majority of the members representing each class must be made up of householders.

It is easy for any one at all familiar with the distribution of wealth and taxes in modern cities to see that a city council made up upon this method will be composed primarily of representatives of the propertied classes, and one may say in general of the classes possessing large property. For it is certain that the number of members in the first class will be very small, and even in the second class the number will be small compared with that of third class.

As a matter of fact, in the city of Halle, in the year 1899, the list of qualified voters contained 17,699 names, of people who together contributed the sum of 2,743,639.20 marks in direct taxes. One-third of this sum, or 914,546 marks, was contributed by 140 persons. The person high-

¹ As the actual districting was done many years ago, the population of the various districts has become very unequal. Three of the districts are much more populous than the other two, and in order to bring about a certain sought equality, these three are allowed to choose the sixth member in turn.

est taxed paid the sum of 56,051.20 marks. The person who paid the minimum sum entitling him to admission into the first class paid 2,267.98 marks. The second third of the total amount of direct taxes was contributed by 914 persons, who, therefore, constituted the second class of voters, the highest taxed person in this class paying 2,266.89 marks, and the lowest taxed, 486 marks. All the rest of the voters, being 16,645 in number, contributed the last third of the direct taxes, and constituted, therefore, the third class. The highest taxed person in the third class paid 486 marks.

The first two classes, containing together only a little over one thousand persons, and including no one who did not pay at least \$120 in direct taxes, elected together thirty-six members of the city council, while the third class, containing sixteen times as many persons, elected only one-third of the members of the city council. It is plain that the first class and a majority of the second class could elect two-thirds of the members in the city council, and it is also plain that this list would include a comparatively small number, not to exceed three hundred persons, all paying probably upward of \$250 a year in direct taxes. It is evident that this system of government has been properly denominated a government by the taxpayers, and one may add, by the large taxpayers. Owing to the fact that a citizen must have paid a tax, to which he has been regularly assessed, before voting, or must show an income of at least 660 marks (\$157.08), or must be a house owner, etc., the total number of qualified voters falls considerably below the total number of male citizens twenty-four years of age (the age required before a person can vote) in the community. Thus, a large number of male citizens of the required age is practically excluded—varying (according to different estimates) from 15 to 30 per cent. This system leads to a relatively small participation of the qualified voters in the elections, being in the last elections, 1897,

50, 59 and 54 per cent, respectively, in the three classes from I to III.¹

The city council is authorized to select its own president, vice-president, secretary and clerk, though the other employes are appointed by the administrative board. The city council is independent in its consideration of the matters assigned to it, and its jurisdiction is described in a general way to include all matters which are not expressly assigned by law to the exclusive jurisdiction of the administrative board or other authorities. It is authorized to appoint its own committees, for the consideration of such business as is referred to it. It chooses, as said before, the members of the administrative board, including the mayor and vice-mayor. It fixes the remuneration of the salaried

¹ To be a qualified voter in Halle, a person must be a male citizen of the Prussian state, independent (*i. e.*, under no tutelage or guardianship, judicial or otherwise), and twenty-four years of age. He must, moreover, for a year previous to the election

- (1) Have been a resident of the city;
- (2) Have received no public poor relief;
- (3) Have paid the local taxes assessed upon him,
- (4) And either
 - (a) Own a dwelling house in the city, or
 - (b) Carry on an independent business with the aid of at least two assistants, or
 - (c) Have been assessed either to the state income tax or at the fictitious normal rate of at least four marks (\$0.952), or at an income of 660 to 900 marks.

The last provision (c) is rather complicated. It means in effect that every person whose yearly income has been ascertained to be 660 marks (\$157.08) or over, according to the test prescribed in the income tax law for ascertaining income, shall be allowed to vote. In this process, certain deductions are made from the actual income in order to determine the assessed income, as for instance, life insurance, fees, etc.; a certain sum for each child dependent on the person taxed, allowances for sums paid for the support of parents or other relatives, etc., so that the "assessed income" of 660 marks may correspond to an actual income of anywhere from 660 to 1,000 marks or even more, according to the circumstances. The state does not levy any tax upon assessed incomes of less than 900 marks; cities are permitted to levy taxes upon assessed incomes of 460 marks or more. Halle levies an income tax upon assessed incomes of 660 marks or more—the sum usually varying from 4 to 5 marks upon assessed incomes of 660 to 900 marks. As a matter of fact, in the year 1898 the minimum income tax to be paid by a voter was 4.80 marks (\$1.14).

This provision excludes from voting a certain number of otherwise qualified persons—exactly how many there is no means of ascertaining from the records. The provision in regard to Prussian citizenship excludes probably many more.

members. It has in general full control of all financial matters. It is, however, as one can see from the description of the functions of the administrative board given above, very largely a controlling and supervising, rather than a legislating body. Like the English House of Commons, its consent is necessary to all legislation, but nearly all initiative in legislation comes from the administrative board itself, and even if the city council desire to initiate legislation, which right, by the way, is given to it to the fullest extent, it takes the form usually, as said before, of asking the administrative board to submit an ordinance relating to the subject in hand. It is usually represented by members of its own choice in all the deputations, commissions and sub-boards mentioned below. It may investigate the working of any city department, and for this purpose it may require the assistance of the administrative board.

The relation of these two city bodies to each other is reflected in the sessions of the city council itself. These sessions are held in the hall of the city council at times to be determined by the city council itself, so far as the regular sessions are concerned, extraordinary sessions being held at the call of the presiding officer, either on his own initiative or at the request of other members. In this hall, the president of the city council, the vice-president and the secretary occupy seats at a raised desk at one end, while the members of the city council occupy seats upon the floor directly in front of this desk. To the right and left of the president's desk runs a row of seats equal in number to that of the administrative board. These desks are assigned to members of the administrative board, and, generally speaking, they are occupied by such members as have charge of administrative departments, within whose jurisdiction the business of any particular meeting may fall. The members of the administrative board have the right to be heard at their own request upon any and all propositions discussed in the city council, which they may be called upon to ex-

cute. They are also required to answer questions which the members of the city council choose to address to them, so far as they relate to subjects over which the city council has control. This brings about, as noted before, a similar intimate relation between the administrative board and the city council as exists between the English cabinet and the House of Commons, or rather as exists between the executive council in Switzerland and the legislative branch in that country. The city council is very jealous of its prerogatives, of its right of discussion and criticism, and of its right to reject the propositions made by the administrative board, and this right is very frequently exercised. When a matter has become ripe for report to the city council, after having received the approval of all the appropriate commissions, it has already gone through so many instances that it is very likely to be accepted, unless there is some strong feeling on the subject on the part of individual members of the council. The procedure strikes one as a little cumbersome and calculated sometimes rather to impede public business than to facilitate it. Thus, a proposition to expend \$25 in the repair of the boilers in the city theatre must first be worked out in the office of the city engineer, in detail, showing how the money is to be spent, the necessity of it, the possibility that it will save future expenditures within a certain length of time, etc. The matter must then be submitted to the theatre commission, to the technical commission, to the finance commission; then passed upon by the administrative board, and finally by the city council. All propositions looking to the expenditure of money must go before the finance commission and, generally speaking, before at least one other commission. If the administrative board is in favor of a given project, it reports the matter to the chairman of the city council. Before submitting it to the council the chairman hands it over to a member or to a committee of the council with the request to report it to the council at the next meeting with

comments. The most important matters go, of course, to the chairmen of standing committees; the less important may be referred to a single member or to two members, with the request that each shall give his opinion to the council. Thus each matter is reported to the city council by a member of that body. He states what the administrative board has proposed and what the attitude of the various commissions has been before which it has been laid for consideration. If there is a difference of opinion between these commissions, as, for instance, between the finance commission and the building commission, or the finance commission and the school commission, there is, of course, a greater readiness on the part of the city council to reject the proposition of the administrative board than if it comes to the city council with the full approval of all the committees and commissions to whom it has been submitted.

It will be seen from the above description that we have nothing in the United States exactly similar to either of these bodies, and nothing at all resembling the combination and co-operation of these two bodies in city administration. Whether such a scheme would work in the United States or not is extremely doubtful, but there is no doubt at all that such a scheme could not be adopted with our views upon the subject of municipal government and its relation to the state and society. Probably one of the fundamental conditions of efficiency and of initiative enterprise in this form of municipal government is the professional permanent element, which is the very thing which we in the United States have thus far rejected in toto as a proper element in municipal administration. It would probably, furthermore, be difficult for such a scheme to work at all unless it were based upon some restriction of the suffrage—a proposition which stands little chance of being adopted in any American community. It seems, moreover, that a permanent civil service is an additional necessary element to the successful working of such a scheme, and a permanent non-partisan

civil service is something to which we Americans have not as yet made up our minds, although we have been struggling toward it for a generation.

A satisfactory view of the constitution and working of municipal government in Halle cannot, however, be obtained without considering further the function of the various commissions, deputations, etc., referred to above.

The general municipal code of 1853, under which the government of the city of Halle is organized and administered, provides that special deputations, commissions or boards may be constituted for the permanent administration or supervision of special departments of the public business, as well as for the performance of special or temporary functions. These deputations may consist either solely of members of the administrative board, or of members of the administrative board and the city council, or of members of both these bodies with the addition of qualified voters from among the body of citizens. In order to constitute joint commissions of both bodies, the consent of each body is necessary.

These commissions are placed under the immediate control and supervision of the administrative board. They report to it and not to the city council. The city council may choose its own representatives and any additional citizens who are to be selected as members of the deputations, while the mayor is to name the members of the administrative board and also to choose one of the latter as chairman of the deputation.

Permission is also given to the city to adopt other and additional regulations or special regulations, growing out of the special needs of the community, in regard to these permanent or temporary deputations.

The city of Halle has made extensive use of this privilege of creating special commissions or boards for the supervision or conduct of the various branches of city administration. Something like forty of such joint commissions,

under the various names of deputation, commission, board of trustees, directory, etc., have been created by the city authorities. To some of them a far-reaching jurisdiction of independent action has been assigned; to others rather a directory and supervising authority, with the duty of reporting to the administrative board. It will not be possible within the compass of such an article as this to enter into a detailed enumeration and discussion of all these different commissions and boards, but it will be worth our while to examine a little more closely the constitution and jurisdiction of two or three of the more important ones; and for the purpose of illustrating the working of the city government I shall select three as having charge of especially important branches of public administration and having a somewhat extensive sphere of independent jurisdiction within the limits of the law.

The city has under its charge the elementary and secondary schools. Of the secondary schools the most important are the gymnasium, the higher real school and the girls' high school. The gymnasium and the higher real school are placed under the charge of a board of trustees, consisting of nine members—two members of the administrative board, appointed by the mayor, one of whom, of course, is the city school inspector, three members of the city council, the directors of the two schools *ex-officio*, a professor in the university and a former member of the administrative board now out of service. To this board of trustees is deputed the general supervision of the work of these schools, recommendations as to equipment, the making out of the annual budget, recommendations as to additional teachers and recommendations of persons to be appointed as teachers, the actual appointing power, however, being vested in the administrative board of the city.

It will be seen that this board of trustees unites in itself a very happy combination of the expert and lay element in education. Generally speaking, in Prussia, the head of any

public institution is also a member of the governing board of that institution, with full voting rights as a member in regard to everything concerning the school, which does not affect his own personal relations. Such a subordination of the head of the school under the board of trustees in a sort of clerical position, as is the rule in American cities, would not be suffered for an instant in Prussia. Aside from the directors of the schools, as experts, the presence of a university professor insures the interest of the university in these schools, which are primarily the preparatory schools for all the higher institutions. The presence of the school inspector secures continuity and harmony in the administration of this school and a proper fitting of its conduct into the general conduct of the school system of the city. The girls' high school is placed under the charge of a similar board of trustees, with similar authority, consisting of seven members—the city school inspector, a second member of the administrative board, two city councilmen, the director of the school *ex-officio*, and a professor in the university. A position now vacant and shortly to be filled was formerly occupied by the senior clergyman of the established church in the city.

The elementary schools of the city are placed under the charge of a special school commission or school board, consisting of seventeen members—three members of the administrative board, including the mayor as chairman of the commission, and the city school inspector, three members of the city council, including the chairman of that body, a leading clergyman of the city, the director of the girls' high school and the principals of the ward schools in the city (six in number) *ex-officio*. The seventeenth member is a former member of the administrative board now retired. The ordinance establishing the school commission declares that its function in general is to care for the observance of external order in the school system and for the careful compliance with the laws and ordinances hitherto

established relating to it, also to examine everything by which the welfare of the schools may be injured or promoted, and to report upon the same to the administrative board. With the exception of the members of the administrative board, who are appointed at the pleasure of the mayor, and of the *ex-officio* members of the board, the others are chosen by the city council for terms of six years, in such a way that half are to retire every three years.

To this school commission is assigned the supervision of school attendance. Its duty is to see that the enrollment of pupils takes place at regular periods of the year, in accordance with the general school laws of the state, that provisions relating to school attendance are observed, that daily absences are noted and reported by the teacher. In other words, it is to see that the provisions of the compulsory school law in regard to school attendance are fully complied with. It has also charge of school property and school buildings. It is to prepare the school budget and to make propositions in reference to the increase of salaries, in reference to the appointment of additional teachers and nominations to fill vacancies or new positions created by the administrative board. It supervises the general conduct of the schools by the teachers, takes note of any complaints in regard to the way in which they perform their duties, assists them in the maintenance of discipline inside and outside of the schools, and determines the time of beginning and closing the school vacations, within the limits of the general laws and ordinances.

It will be noted that this school commission has to do only with the elementary schools of the city, that is, the so-called common or *volks* schools and the middle schools. The term "lower school" signifies in a legal sense a school, graduation from which does not justify admission to the privilege of one year voluntary military service. It would, therefore, strictly speaking, include also the girls' high school, but a special exception has been made in the case

of the city of Halle in such a way that the girls' high school is classed as a higher school, owing to the unusually high character of its instructing body and the general equipment and conduct of the school as a whole.

The school commission, moreover, has control only of the evangelical schools of the city. This is practically all the lower schools of the city, with the exception of one—the Catholic school, which is under the charge of a special commission, consisting of the school inspector, one member of the city council, the priest of the Catholic Church, the principal of the school and two citizens. The elementary schools in the city of Halle are organized on the so-called confessional system and are divided into the evangelical and Catholic schools. Religious instruction is given in all schools by the regular teachers, and Catholic parents who do not wish their children to attend the regular religious instruction of the evangelical schools must send them to the Catholic school in the town. This constitutes, of course, a certain hardship, since instead of the twenty or twenty-five evangelical elementary schools distributed throughout the city, there is only one Catholic school.

In general, this school commission is an advisory, consulting and administrative body rather than one of independent powers of action. The city, however, is now about to organize a school deputation which will not be merely an advisory or consulting body, but will constitute under the direction and supervision of the administrative board the real school authority of the city. It will appoint teachers, fix their salaries, within the limits of the budget set by the city authorities, and in general have complete control within the limits of the law of school matters within the city.

It will be observed that the city school inspector is one of the members of the administrative board, with full rights of deliberation and voting upon all matters falling within the jurisdiction of that body. He is to a certain extent the official adviser and expert in school matters to the adminis-

trative board. He occupies, therefore, in one sense, a position somewhat similar to that of a city superintendent of schools in an American city. But, on the other hand, as he is a member of each of the special school boards and practically presiding officer of the same, as well as a full-fledged member of the administrative board itself, he occupies in many respects a more important position and a more influential position than his counterpart in an American city. He is, moreover, a more permanent official, since his term of office is in the first instance twelve years, and the city cannot dismiss him without conferring a pension upon him as noted above, to the extent of one-half of his salary after twelve years' service and of his entire salary after twenty-four years' service. The new school deputation, which is to be created within the next two or three years, will assume entire charge, not only of the lower schools, but of the higher schools as well, replacing at once the two commissions of the elementary schools and the various boards of trustees of the higher schools.

The schools of a city are regarded in Prussia not merely as local institutions, but also as state institutions, and as such are further subject to the supervision of the state school department. For the lower schools the government appoints a local school inspector, who must report regularly to the higher school authorities as to the manner in which the school affairs of the city are conducted. This school inspector has usually been the senior clergyman of the established church in the city, but since his death a short time ago the functions of state school inspector have been conferred upon the city school inspector. The office of city school inspector as a member of the administrative board is not to be found in all Prussian cities. Halle was one of the first to establish the office, and the present incumbent, Dr. Krähe, who has held the office sixteen or seventeen years, was the first school inspector chosen in this city.

The nomination of teachers, as said above, for positions

in the elementary schools is made by the school commission. The method pursued is somewhat as follows: In the first place, no one can be appointed under the general school law who has not graduated at a state normal school or passed the examinations which would be accepted as the equivalent of such graduation. In the second place, according to a local rule, adopted by the commission itself, no one will be nominated to such a position who has not passed the second examination required of normal school graduates; so that no one can be considered as a candidate for permanent appointment in these elementary schools who has not had four or five years of practical experience in addition to the two examinations required of persons who receive permanent appointment in Prussian public schools. It was formerly the custom in case of vacancies in the city schools to publish the fact in the newspapers and to give notice that people might apply who desired an appointment. The city has ceased doing this because of the fact that more applications are now regularly made from properly qualified teachers than can be considered. In case a person applies for a position in the city schools, he must present certificates showing graduation from the normal school, the standing attained in the final examination at such school, also certificates covering the same ground as to the second examination, certificates as to the condition of health, certificates from the local school inspector, from the city school inspector (if there is one), and from the higher school authority of the district in regard to his experience and success as a teacher. If these certificates are any of them unsatisfactory, the person's name is dropped, without further ceremony, from the list of candidates to be considered. If, however, they are unexceptionable, notice is then sent to the individual that his name has been entered upon the list of candidates and that in case of a vacancy further notice will be sent to him. When a vacancy arises those persons whose names are on the list who seem to be most likely to

serve the purpose are invited to visit the city, present themselves in person, and give a model exercise in one of the schools, before the city inspector and one or two members of the school commission. In case the school commission is satisfied with these tests, it recommends to the administrative board that such person be appointed. If the board approves the recommendation of the school commission, the name, together with a copy of all the proceedings in the matter, is sent to the higher school authority for approval. The city school inspector states that during his term of office, the administrative board have never failed to approve the recommendation of the school commission as to the appointment of teachers, nor have the higher school authorities ever failed to approve the recommendation of the administrative board. It will be seen that this system aims at securing the very best available ability, whether in the city or outside of the city, for the schools. There is no question here of favoring people because they are residents of the city of Halle, but the field is open without fear or favor to all properly qualified citizens of the Prussian state. As a matter of fact, a very large proportion of teachers in the elementary schools have been chosen from the ranks of teachers engaged in other cities. As the city school inspector states, it is an advantage of a large city like Halle that it can have its pick of the best teachers to be found in the schools of the smaller towns throughout the kingdom.

It goes without the saying in Prussia that no teacher would be appointed to a position in the evangelical schools who did not belong to the evangelical faith, nor to a position in the Catholic schools who was not a Catholic. Furthermore, no person of Jewish faith could be appointed to a position in the city elementary schools, since there are no special schools for the Jews, and Jews would not be appointed either to the evangelical or Catholic schools. This feature is connected with the requirement that religious instruction shall be offered in all the schools and that each

individual teacher must be qualified to give the religious instruction appropriate to his particular grade. It would not be satisfactory to the sentiments of the community for a Jew to give instruction in Christian religion to the children of Christian parents, nor to a Catholic to have a Protestant give religious instruction to his children, or vice versa. All this is an outgrowth of the peculiar survivals to be found in European countries. The state requires that formal religious instruction shall be given to every child, and if a parent objects to his child's receiving the religious instruction offered in the school, as a Jewish parent might, for example, he must show to the satisfaction of the school authorities that the child is receiving religious instruction elsewhere, according to the standards of the Jewish faith, in as systematic and thorough-going a way as the children who attend religious instruction in the schools receive there.¹

Another important department of public administration which is entrusted to the care of a permanent deputation or commission is that of the care for the poor. The city of Halle forms a poor law district, with the obligation of caring for the poor within its boundaries, in accordance with the provisions of the general laws of the state. For the purpose of carrying out this function, a poor law board has been constituted, under the control and supervision of the administrative board, but with an extensive field of independent jurisdiction. The poor law board, called the *Armendirection*, consists, according to ordinance establishing it, of two members of the administrative board, of whom one must be chairman and the other vice-chairman, these appointed by the mayor, of two members of the city council, of the chairmen of the local poor districts, of one or more principals of ward schools, of a clergyman, of the

¹ This limitation refers to persons of Jewish faith; not to those of Jewish race who may have been converted and baptized as Christians. In Berlin, where the departmental system of instruction has been largely adopted, and where, therefore, the religious instruction is given by special teachers, this limitation does not exist.

chairman of the Women's Association for the care of Orphans, and of a physician. As the city is divided into twenty-three local poor districts, and the chairman of each of these poor districts is a member of the general poor law board, the board has a large membership—no less than thirty-four. As some of the chairmen of the local poor law districts are also members of the city council, the actual constitution of the board at present shows altogether four members of the city council. It includes, moreover, two members of the administrative board, four principals of ward schools as members *ex-officio*, two clergymen and the hospital physician. The term of office of all except the *ex-officio* members is six years, and must coincide either with membership in the city council or with chairmanship in the local poor boards. The general poor law board has charge of all matters relating to the administration of the poor law which are not assigned expressly to the various district commissions in the city local districts. The following subjects are expressly assigned to its jurisdiction:

1. To determine the general principles according to which the poor law is to be administered and to direct and supervise the conduct of the business of the district commissions, and to perform the same functions in case of the various institutions entrusted to its charge.
2. To grant relief so far as the independent decision of this matter is not entrusted to the local commissions.
3. To grant relief in cases of the city poor who have their residence in other districts.
4. To prepare the budget, to audit the yearly accounts and to make a yearly report.
5. To decide questions on appeal from decisions of the local commissions.
6. To care for the property of the poor law board and for the various foundations entrusted to its charge.
7. To represent the poor district in its relation to other poor districts.

8. To collect the sums due to it from other poor districts for relief accorded to their poor.

9. To purchase clothing, fuel and other necessary supplies for persons who are receiving either outdoor or indoor relief from the city.

10. To decide upon the admission of persons into the local hospitals, or into educational, sanitary or other asylums outside of the city.

11. To maintain an intimate connection and intercourse with the directors of the various local charitable organizations.

12. To dispose of any other business connected with the support of the poor, which is entrusted to it by the administrative board.

The board is authorized, within the limits of its jurisdiction, to issue independent ordinances and public notices. It does not need either the approval of the administrative board nor the consent of the city council in order to prosecute suits or to make contracts or to make compromises in regard to the support of the poor from other districts or in regard to the support of its own poor in other districts. The financial needs of the poor law board are met from the following sources:

1. From the proceeds of city property which is set aside for this particular purpose, and the proceeds of any property left by private individuals for the same purpose.

2. By fines, penalties and fees which are appropriated by law for this purpose.

3. By presents and donations; but if such gifts are connected with any burdens or obligations on the part of the city, the approval of the administrative board and the consent of the city council must first be obtained before they can be accepted.

4. By an appropriation made by the city for the support of the poor.

The board must make out an annual budget, indicating

all the sources of its revenue and the purposes of its expenditure, which must also include the appropriation made by the city for the support of the poor. This budget must be approved by the administrative board and the city council, and the poor law board is then bound to keep within it.

For the purpose of giving relief to the poor, the city is divided into twenty-three poor districts—a number which is fixed by the city authorities on the proposal of the poor law board. These poor districts are administered by so-called poor district commissions. These consist of a chairman, a vice-chairman and a number of visitors. The choice of members is made for the term of six years by the city council, upon the nomination of the poor law board. The number of the same is fixed according to the size of the district. The principle is to be observed that, as a rule, five and never more than ten families shall be under the care of one visitor. Membership in these commissions is a so-called honorary office. Every citizen is required to accept an election to this board and perform its duties in case he be chosen to it. It is the business of members of these local boards to make themselves thoroughly acquainted with the condition of the poor entrusted to their care, by a continuous, careful and personal examination, and to try by personal intercourse with them to improve their morality, their industry and their economy, to help them with advice and in every way to strive to bring them to such a point that poor relief will no longer be necessary. They must exert themselves to find out what people may be suffering in their district, especially those who may be kept from a feeling of shame from applying for relief. These local commissions have charge of the granting of every kind of assistance for the support of the poor, in cash and in kind, within the limits set for them in the budget, and according to the principles laid down by the general laws and ordinances of the state and city and by the regulations of the poor law board. They may prescribe free medical attend-

ance, free medicine and other remedial means. They may grant the necessary expenses for burial and they are entrusted with the carrying out of the orders of the poor law board and of the administrative board. Individual members of these commissions may grant temporary relief in cases of extreme necessity, reporting the case to the meeting of the district commission, which is held regularly twice every month and as much oftener as the chairman of the district may consider necessary. Relief is extended as a rule only from one session to another. All outdoor relief to persons entitled by the fact of having a settlement to public relief within the city of Halle is extended through these district commissions. The poor law board itself has charge of the indoor relief accorded in the public hospitals, asylums, etc.

It will be seen that in general the system of poor law administration adopted in the city of Halle is that known as the Elberfeld system. It is distinguished by the attempt to secure some personal relation between the applicants for poor relief and honorable and independent citizens acting as members and agents of the poor law board. In the twenty-three poor districts during the year 1898-99, 272 persons acted as chairmen of these district commissions or as visitors of the poor. Of these, ten had served as members of these commissions for more than twenty-five years. Over two hundred had served for a term of four years or longer, and over one hundred for a term of eight years or longer, so that the average experience of members of these commissions was very considerable. Of the 272, 45 were professional men—physicians, professors, teachers, public officials, etc.; 75—manufacturers and merchants; 132—contractors, master mechanics and other tradesmen.

The member of the administrative board appointed by the mayor as chairman of the poor law board is ordinarily the director of the entire system of the poor law administration in the city. The combination of expert knowledge and

professional skill and of lay co-operation, so characteristic of the system of local government in Prussia, is nowhere better illustrated than in this organization of the system of poor relief.

The city of Halle holds in trust a very considerable sum of money and other kinds of property for the benefit of the poor and needy within the city limits. It is a striking and interesting fact that citizens of Halle, desiring to leave money for purposes of this kind, are far more apt to entrust it to the administration of the city authorities than they are to create special boards of trustees, as is the rule in our own country. It is a testimony at once to the confidence of the average citizen in the efficiency and honesty of the public authorities, and to the skill and efficiency of these authorities themselves. Some of these foundations are of very considerable importance. Taken together they represent a property of some eight million marks, or two million dollars—a very considerable sum for a city of 125,000 inhabitants. If the city of Chicago had a proportional sum, it would exceed thirty millions of dollars. The effort is made to secure a hearty co-operation between the system of public administration for the support of the poor and private relief. The difficulties are, however, here as elsewhere, very great, and while they are on the whole as satisfactorily solved in Halle, perhaps, as in cities of a similar size elsewhere, the condition is still not altogether satisfactory. One important concession has been made by the union of all the organizations for private poor relief, in that they have bound themselves not to extend aid to persons who have not obtained a settlement within the city. Formerly it was the custom of paupers who desired to obtain a settlement within the city to apply to private organizations during the first two years of their residence within the city, and then, having acquired such residence, which would not be possible if they had received public support during that period, they became from that time on a burden upon the public

poor rates. The arrangement just noted enables the city to hold other poor districts responsible for the support of the poor which they send away or which come to Halle of their own accord.

As an illustration of a third of these subordinate boards or commissions, working under the supervision of the administrative board, I shall take the gas and water commission, which has charge of the gas and water works owned and managed by the city. This commission consists of eight members—two members of the administrative board, five members of the city council, and the director of the gas and water works *ex-officio*. One of the members of the administrative board appointed to this commission must be the city engineer. The term of office of the members appointed by the city council is three years. The director of the gas and water works is an advisory member of the board, with the right to take part in all its deliberations except those concerning his own personal affairs, such as salary, etc. The gas and water commission is required to make a report each year to the administrative board, concerning the working of the department entrusted to its supervision and control. It must also prepare the budget, which, besides providing for the costs of the running expenses and the maintenance of the works, shall also provide for a renewal fund, which is to be kept separate, and the interest of which is to be added to the capital. The commission has charge of the expenditure of all funds granted by the city authorities in the budget or by extra appropriation in accordance with the provisions of such grants. The commission may also determine the price for the materials needed in the works, for the various kinds of labor to be performed in connection with the same, and for the by-products to be sold; but the city authorities, that is, the administrative board and the city council, acting together, may make changes in the prices fixed for the gas and water, as well as the discount to be offered to the

consumer. The commission is authorized to make contracts, to conduct law suits, to make compromises, to yield or give up rights, to strike off bad debts, to submit matters of dispute to arbitration, to accept commodities and money, even from judicial sources, in a word, to do everything which the courts might demand from the representative of an absent party entrusted with full power of attorney. Written documents are valid for third parties when signed by two members of the commission, of whom, however, one must be a member of the administrative board and the other a member of the city council, and of which one must be chairman or vice-chairman of the commission. The immediate conduct of the administration of the gas and water works within the limits of the budget, and in accordance with the provisions of local ordinance and regulation, is entrusted to the director of the same. It is his special duty to supervise all persons employed in connection with these works, to keep the works in good condition, to purchase all materials necessary for the same, to supervise all accounts relating to these and other matters, to give notice to the commission of the probable exhaustion of the appropriations, and to make a full report at the end of the year concerning the entire conduct of the works. The previous consent of the commission is necessary for any contract involving more than one thousand (1,000) marks, as well as any extension or change in the works themselves. The appointment of the director of the works and the fixing of his salary are to be made by the city authorities, to whom the gas and water commission must make a formal report and proposition relating to this subject. The actual administration of the gas and water works under the conduct and control of the director shall be carried out by the necessary official and laboring force, appointed for this purpose. All such persons shall be engaged at first by the gas and water commission and are to be dismissible at the pleasure of the same. The commission may propose to the administrative board the permanent

appointment for life of any of these officials. The assessment of gas and water consumers shall be made by the director in accordance with the regulations concerning the use of gas and water. A consumer may appeal to the commission against the decision of the director.

It will be seen that a very extensive jurisdiction has been assigned to this gas and water works commission, at the same time that it is under the immediate control and supervision of the administrative board.

In general it is evident from the above description that although a considerable degree of independence is granted to these sub-commissions, deputations or boards, as a matter of fact, great care is taken to secure a unity of administration and the possibility of immediate and direct interference in the case of open abuses connected with the administration. Every member of the city council, for example, has the right to ask the administrative board why such and such abuses or such and such customs exist in any department of the city administration. It will not be a satisfactory answer, ordinarily, that the administrative board has no control over the matter, since that has been assigned by the law or local ordinance to some other authority, for in every individual case the administrative board has power to examine the facts, to require full and complete reports, and, if necessary, to suspend for a longer or shorter time the action of any of these boards. It has, moreover, delegates in each of these boards itself. Great care is taken to prevent any arbitrary action on the part of administrative officials by a very elaborate system of appeals from the decision of individual officials to superior officials or boards.

There are other numerous boards, such as boards for assessment of taxes, trustees of the city museum, trustees of the city theatre, trustees of the city stock-yards and slaughter-houses, of the city savings bank, of the city markets, of the city hospital, of the city pawnshop, of the city fire department, of the city board of health, of the city

cemeteries, etc. But the relation of all these boards to the city authorities in general and to the administrative board in particular is very much the same; some having a larger degree of independent jurisdiction than others, but all being subject to the general supervision of the administrative board and of the mayor in particular.

Another important department of the city administration is the city civil service, including the officials of higher and lower rank, appointed, for short terms, for definite terms, subject to removal upon notification; for indefinite terms, and for life. One may say on the whole that the tendency is steadily to diminish the number of people appointed for short periods, or those subject to dismissal upon notification, and to increase relatively the number of those who are appointed for indefinite terms or for life. Wherever it is plain that a city function calls for the exercise of all the time of an individual, and is likely to call for such exercise permanently, the tendency is to provide for a life position, subject to dismissal only after a judicial decision of incapacity or unfaithfulness, and including the right to a pension in case of faithful service through a long period of years. For the clerical work in the various departments a preliminary education is required at least equal to that of graduation from the so-called middle school (that is, a school which requires the time from say the sixth year until the sixteenth or seventeenth for the completion of its course), and the passing of an examination conducted by the mayor. Provision is made for a probationary term of service and for a gradual increase of salary after permanent appointment, and the promotion from one grade to another within the service, the highest title for these clerical and administrative positions being that of "city secretary." In general one does not seek to secure administrative efficiency in Prussia by conferring upon the mayor an arbitrary power of appointment or of dismissal; but rather by securing properly qualified persons for the civil service

and protecting them in their positions as long as they perform their duties properly.

It is not perhaps necessary to go into a detailed description of this feature, as it is one easily understood in general, and yet rather difficult to set forth in detail without taking much more time and space than is available at present. One may characterize the government of the city of Halle, from one point of view, as a form of government in which the routine and clerical duties are performed by an experienced and permanent force of subordinate officials; in which the important matters of administration, those calling for the exercise of judgment and discretion and executive ability, are performed by a body of trained experts, which is required, however, to consult with and secure the consent of certain lay colleagues—the whole system subject further to the steady supervision, control, examination and criticism of a popularly elected body of city councilmen.

Of course no scheme of administration is ever successful simply because it is well devised and is harmonious in all its forms. A scheme of administration is at best simply a body through which the spirit works, a machine through which the energy exerts itself. The real driving force must be found in the character of the community and of the agents which it selects. The real motive power is in the steam or electricity, and the best devised mechanism or the most beautiful body is a dead and lifeless thing until it is put in motion by the energy or inspired by the soul. Still there is no doubt that the question of a good or a better administrative scheme is one of great importance, and there is as little doubt, it seems to me, that the Germans have worked out in their scheme of city administration as illustrated in the above description of the government of the city of Halle, a device which is in harmony, on the whole, with their traditions, their ideas, their tastes, and their notions, and that, on the whole, it has worked out, everything considered, good results.

This, of course, is not saying that the Germans themselves are satisfied in every respect with the existing machinery of city government or with the way in which this machinery works. On the contrary, as in every enterprising and thoughtful community, so here, there is a continued criticism of the administrative board and its functions, for example, on the part of the city council; of the city council and the manner in which it performs its duties on the part of the administrative board; of both boards and the way in which they perform their duties on the part of the general public as a whole. There is a dissatisfaction among the poorer classes of the community with the three-class system of voting. There is a feeling, whether just or not, on the part of the poorer classes of the community that the interests of the well-to-do are kept too exclusively or too generally in mind, that the interests of the small man are neglected or sacrificed. The foreigner, of course, should exercise the greatest reserve in attempting to form an opinion upon such a complicated and difficult question, and still greater reserve in expressing such opinion. But, on the whole, I have been struck by the extent to which the administration in the city of Halle has steadily extended the functions of the city government which may be supposed to redound more fully to the benefit of the poorer classes in society than to that of the wealthier. The effort has been steadily made, for example, to improve the elementary schools, and the improvement in building, equipment and teaching force in the last fifteen or twenty years has been remarkable. The attempt to increase and improve the public parks and pleasure grounds of the people has been very noticeable. The tendency of the community to consider the needs and wants of the unfortunate, dependent, or less favorably situated classes has certainly been very marked, though the attempts, as in all countries and under all conditions, have not always been as successful as might have been wished.

One feature of this scheme of city government has been very noticeable, and that is that under the circumstances which have actually existed in the city of Halle during the last twenty-five years the mayor and the administrative board have constituted an active, progressive, if not aggressive and radical, element, in a positive city policy, looking toward steady improvement of city conditions in every direction. The present head mayor, who has occupied his position for some eighteen years, and the present mayor, who has just closed the first twenty-five years of his activity as a member of the board, as well as the other salaried members of this board, are men who not only by their preliminary training, but by their experience in similar positions in other cities are thoroughly acquainted with the best things that are doing in cities that are similarly situated in Prussia and are determined, as far as possible, to introduce every new improvement as rapidly as the community is ripe for it. My first visit to the city of Halle was made in the year 1875, and the revolution which has taken place in municipal conditions since that time is something little short of marvelous. The growth of the city in wealth and population, which has been a result, of course, largely of external rather than internal conditions, has been accompanied by marvelous improvements in all departments of city life, a greater improvement, I think one may say without any exaggeration, than was shown in the previous century and a half of the history of the city. Of course, this is itself largely an outgrowth of modern conditions, with which the city of Halle has had little or nothing to do, conditions which are at work, not only in Prussia and Germany, but in France, England and America, conditions which have revolutionized in many directions the outward aspect and the inner constitution of large cities the world over, but, at any rate, this city has kept pace with the progress thus outlined and made possible by outside forces. The introduction of a more liberal and better supply of

water, the regeneration of the city gas works and the steady reduction in the price of what has become almost a necessary of life, the introduction of a city electric plant, now building, the establishment of a city stock-yard and slaughter-house, the introduction of a general sewer system, with all which that implies, the breaking through of new streets in the old part of the town and the widening of other streets, the repaving of the entire system, both in the roadway and in the sidewalks, the establishment of a city pawnshop, a city savings bank, the improvement of the police system and fire department, the marvelous improvement in the school facilities of the elementary grade, and to a large extent of the higher, and the improvement in the administration of poor relief—these are things which have grown out of a positive and progressive policy on the part of the city authorities. Side by side with this has gone a marvelous improvement in the matter of railroad facilities—steam and electric; the introduction of the surface electric car, which Halle was the first city in Germany to introduce on a large scale; the connection of the city with all the surrounding villages by steam or electric tramways; the extending use of gas and electricity for power purposes; the adoption of a more liberal building law. All these things indicate the lines along which local improvement has proceeded, here as in other cities of Europe and America. The experience collected by German cities in these various departments is well worth the study of persons interested in municipal government the world over.

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TENDENCIES IN THE TAXATION OF TRANSPORTATION COMPANIES IN THE UNITED STATES.

In its report, issued in 1880, the New York Railway Tax Commission asserted that "there is no method of taxation possible to be devised which is not at this time applied to railroad property in some part of this country." When this statement was made the states were passing through the middle experimental stage in their taxation of transportation companies; and though twenty years have since elapsed, the final period of experiment has only just begun. A chaos of tax systems, almost if not quite equal to that which confronted the New York commission, still prevails. But confused and confusing as railway tax laws have been and still are, both legislation and judicial decision give evidence of progress toward a better state of things. Even prior to 1879, the year of the activity of the New York commission, clearer comprehension of tax problems to be solved had already set on foot a movement for reform; and the past two decades have witnessed changes still more notably in the same direction. It is the general trend of these changes which this paper attempts to describe.

In the developing of its transportation facilities, the United States has acted as a group of communities at widely different stages of industrial development. After the East had in a measure settled the question of an adequate transportation net, the railway growth of the West was still in its incipient stage. Correspondingly, the East, after continuous experiment, was the first to devise definite methods of railroad taxation, many mistakes in the development of which the states of the West were subsequently enabled to avoid. But in the main, the general course of the development has been the same in both sections, and the same

conservative attitude toward innovation is to be noted throughout.

In tracing the course of this development, it will be convenient to group the successive steps within three distinct periods. To be sure, it will not be possible to assign any definite chronological limits to these separate stages; but the main distinctive features in the process of change stand out so clearly as to group themselves broadly under the three main divisions, which are here adopted.

The first of these stages was one which was characterized by the state policy of subsidy and exemption from taxation; the second stage was marked by the abandonment of these practices and the adoption of the plan of applying the general property tax in its simple form to the taxation of railways as "legal persons;" and the final or present stage has been characterized by the adoption of definite systems of railway taxation, distinct from the system of the general property tax.

First Stage.

One reason for the slow progress which has been made in the field of railway taxation is to be found in the comparatively recent origin of the railway systems themselves. The development of railroads in the United States had scarcely begun before 1830; and from a financial standpoint, it was not until the period of the civil war that the ultimate success of the railroad experiment was assured. In 1830, population was sparse and the capital of the country was limited. At this time the states themselves were quite widely engaged in works of internal improvement; but with the introduction of railways, the states appear to have been averse to engaging in this new form of enterprise, with the result that the planting of railway lines was left entirely to individual initiative. Capital, however, in addition to the mere fact of its scarcity, was exceedingly backward of investment in an enterprise which gave no prospect of substantial or immediate

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returns. Under these circumstances, it was but natural that the various state legislatures should have been impressed rather with the expediency of stimulating railway investments by special auxiliary enactments, than of restricting their extension by the imposition of taxes. Accordingly, with a view toward encouraging the growth of a service which was seen to be of vital public importance, special aids and partial or even complete exemptions from taxation were frequently made the subjects of statute and special charter provision. By 1845, this policy was probably at its height; but with the subsequent, increasingly prosperous financial condition of the railways, particularly in the East, the practices of subsidy and exemption gradually fell into disfavor. By 1865, the granting of state aid was altogether exceptional. The practice of exemption has continued with somewhat greater persistence. But the tendency of the past few decades has been so far in the direction of its entire abolition that only a few survivals of the practice are any longer to be found. In New Hampshire, for instance, railroad lines are still exempted from taxation for a period of ten years after their construction. In New Mexico, a similar provision is in force, except that the exemption is for a period of but six years. Another isolated example of the practice is to be found in Louisiana, where the constitution of 1898 provides for the ten years' exemption of all railroad lines constructed in that state before 1904.

The whole tendency among the states of recent years has been to wipe out the last vestiges of railroad exemption privileges. Only a few instances of this tendency need here be cited. In North Carolina, prior to 1891, three of the most important railways in the state were exempted from taxation. In that year, however, as the result of persistent effort on the part of state authorities, these exemptions were surrendered. In Arkansas, the Cairo & Fulton Railroad (now the St. Louis, Iron Mountain & Southern), was exempt from taxation under its charter until it should yield a

net profit of 10 per cent on its investment. The realization of this financial condition the railroad management was very careful to avoid, so that the term of the exemption was indefinitely extended. A few years ago, however, the company reorganized. The state was not slow to realize its opportunity, and after a suit at law the company lost its exemption.

In Michigan, to further illustrate, the legislature of 1891 passed a law promising ten years' exemption from taxation to all railway lines which should be constructed in that state, north of the forty-fourth parallel of latitude. In 1897, the legislature repealed this law, and the state authorities proceeded to levy a tax on all of those roads which had already been built in that section of the state. The companies affected contested this action in the courts, but the procedure of the state was sustained, on the ground that the exemption was a mere gratuity, repealable at will. This doctrine had already been laid down in the United States Courts,¹ where it was held that a state legislative act exempting the property of railroads from taxation, is not, when a mere gratuity on the part of a state, a contract to continue the exemption. In Michigan, too, those railroads which had formerly been taxed under special charter privileges, were by legislative enactment in 1891 brought under the general railroad tax law, but the provisions of this act were not carried into effect until 1898.

The courts of the various states and of the United States have been one in their endeavors to bring all railroads under the provisions of general state tax laws. Exemptions from taxation constituting a contract on the part of a state not to tax, are held never to arise by implication, and are construed narrowly in favor of the state. It has been laid down, moreover, that immunity from taxation is not transferable, with the result that the re-organization of a railroad

¹ See *Tucker v. Ferguson* (22 Wall. 527), and *West Wisconsin Railroad v. Supervisors* (93 U. S. 595).

company, or the sale of a railroad property, effects the wiping out of an exemption. Furthermore, consolidation of lines, except where express provision has been made to the contrary, results in the loss of exemption.

With state policy and legal tendency, therefore, not only opposed to the extension of exemption, but even operating toward its complete abolition, the practice has come to be of but slight significance. The existence of special, often lenient, tax provisions for particular companies ought, in passing, to be mentioned in this connection; but the importance of this practice is likewise a declining one. The application of general laws to the taxation of all railway lines is at present the fact of chief significance.

Second Stage.

Turning back once more to the period before the civil war, the beginnings of legislative provision for railway taxation must be noted. With the growth of railways, at various times in different sections of the country, a tendency to tax supplanted the earlier practice of granting subsidies and exemptions. In applying the taxing machinery to transportation companies, the states very naturally recurred to methods already employed in the taxation of individuals, and made these companies subject to the provisions of the existing general property tax. With the single exception of Pennsylvania, which from the outset broke away from the general property tax in this respect, the early practice of the states was the assessment of all real and personal property by local officials, in the same manner as with the similar property of individuals. The adoption of this plan was not altogether unwarranted by the conditions of the time. Up to 1850, the corporations of the country were nearly all of a purely local character. At that time none of the great trunk lines had yet been formed. But changed conditions soon began to manifest themselves. In 1851, for instance, various lines were brought together to form the

New York Central Railroad; and in the few years following, the Baltimore & Ohio, Pennsylvania & Erie lines were formed. As the result of changed conditions brought about by consolidations such as these, new tax requirements arose. Inadequate as had been the general property tax even under earlier conditions, it was now very soon shown to be entirely ill-adapted to this new office. Utter lack of uniformity in the operation of the system resulting from its local administration, facility of evasion, and the failure of levies to measure, even roughly, the tax-paying ability of the different companies, among other difficulties, necessitated from time to time the adoption of modifications and substitutions which have at length resulted in present systems.

Third Stage.

This final period in the development of railway tax systems is chiefly characterized by a departure from the methods of the preceding period. In accomplishing this departure, certain changes of quite general extent among the states have been effected. In the first place, there has been widely evidenced a tendency to tax transportation companies upon a different basis, or to say the least, in a different manner from that which has been followed in the taxation of individuals. Fifty years ago, the system of the local general property tax was almost universally applied to railroad taxation. Twenty years ago, changes from this original method had already been so far effected that the railroads were locally assessed on their property in less than one-fourth of the states. And more recently, the application of the early system has been so far abridged that it is now to be found in its original form in less than one-eleventh of the states. But four states and one territory still cling to the primitive system. These are Louisiana, New Mexico, Oregon, Rhode Island and Texas; and in the case of Texas, there is a supplementary system based on a different principle.

There is still prevalent in many sections of the country,

however, an attitude favorable to the taxation of individuals and of corporations upon the same principle and in the same general manner. Such, for instance, is the notion which pervaded the deliberations of the recent session of the Michigan Legislature, which was called to consider the subject of railway taxation. Such, likewise, is the express requirement of a number of state constitutions. But, as we have seen, the preponderance of state practice is in the opposite direction; and even in the cases of those constitutional requirements which have just been mentioned, the force of the provisions has been destroyed by the Federal Supreme Court in a series of decisions which hold that state constitutional provisions declaring that a certain large class of persons and corporations shall be taxed by general laws, uniform as to the class upon which they operate, allow a rule for railroads different from that which applies in the taxation of individuals.¹

By way of explanation, however, it must be stated that in the majority of those cases where a change of system has been effected, the property tax has not been abandoned, but modified. There has been embodied in these changes simply an attempt to adapt the system of the property tax to the most obvious requirements of a system of railroad taxation. The result of this process of adaptation has been the establishment of methods for railroad taxation, which differ essentially both in their operation and in their administration from those employed in the taxation of individuals and even of other corporations; for railroad property is made a special class for purposes of taxation, and is subject to assessment by state, not local, officials. The New Jersey Tax Commission of 1897, in its report, very well points out the distinct character of the two systems in a statement which is generally applicable: "It will be readily seen, that these two systems thus described and contrasted, are not co-ordinate; there is no tribunal in the state clothed with

¹ See *State Railroad Tax Cases* (92 U. S. 575.)

powers in which the values of the one class can be contrasted with the values of the other; they run in parallel lines, so to speak, being two separate, independent systems." In fact, the incorporation of the franchise feature in the systems of many of the states, has so far obscured, or at least modified, the workings of the original property tax system, as to effect by existing methods a substantial divorce from the methods applied in the taxation of individuals.

As an off-shoot of this tendency toward railway tax systems, distinct from those employed in the taxation of individuals, has come a process of change in the direction of a growing degree of centralization in railroad tax administrative machinery. With the widening scope of railway consolidation, effective local administration of railway taxation has come more and more to be a matter of practical impossibility. Experience has shown that the problem of railroad taxation is by so much furthered toward solution, as the progressive steps toward the formulation of a tax system tend to broaden the field of the application of that system; and legislative practice has of necessity followed these lines.

In the legislation of many of the states, one of the accompaniments of the centralizing tendency which is becoming more and more noticeable, is the practice of authorizing certain state officials to examine the books and papers of transportation companies for purposes of information in the making of assessments. There seems to be a growing desire to reach, for purposes of taxation, every company's full earning capacity, and the adoption and extension of this device is an attempt toward the attainment of that end. Whether its workings are effectual is very questionable. The commissioner of railroads of Michigan, for instance, asserts that "that provision of the statute which gives the commissioner the right to examine books and papers is a humbug. It takes six months to examine a little broken bank in Lansing. How long would it take to examine the affairs of a great railroad?" But outside of any consideration

of the inefficient character of the regulation, the fact of its increasing prevalence is evidenced in state legislation. The growing advocacy of a uniform system of railway accounting deserves to be noted as tending in the same direction. Possibilities of railroad regulation, beyond the mere matter of taxation, are involved in these plans.

Beyond those general lines of change which have been progressing to a greater or less degree throughout the states, there remain to be considered certain more special changes which have been effected upon tolerably distinct lines in different sets of states, namely, those changes which have resulted in the adoption of systems resting in their incidence upon the bases of property, capitalization and business receipts; the latter two, broadly speaking, characterizing the states east of the Mississippi and north of the Ohio; and the first, the remaining sections of the country. This question is probably the most important one which arises in considering the development of the country's transportation tax systems. It is a question which is the subject of considerable controversy.

It has already been stated that the early system in nearly all of the states was that of the local general property tax, and that as time went on, various departures from that system were effected. In the majority of the states these departures took the form of a modification of the original property tax method. The system of cash valuation of property, or of property and franchise, by state officials came into use. Even in 1880, the general property tax, although lying at the bottom of the systems employed in most of the states, was, in its primitive form, the exception rather than the rule; and during the two decades which have elapsed since 1880, the system of cash valuation of railroad property by state boards or officials has made still further inroads into those states where the local property tax was formerly in vogue. Such, for instance, has been the case in Arkansas, in Iowa, and in other states, where the demand for greater

uniformity in administration necessitated this change. To be sure, the origin of this method in the system of the general property tax, and its subsequent development along the lines of that system, do not warrant the expectation of close approach toward correctness of principle in its formulation, or of high degree of efficiency in the details of its operation. It is not surprising, when we consider the rapid growth of the country's external and internal traffic, that tax legislation has failed to adapt itself completely to the new requirements which have arisen as the result of this speedy growth. American legislative activity, particularly in the field of taxation, has always been conservative; and it is but a natural consequence of the conservative tendency to regard the tax on property values as the "measure of justice and equality," that the old principle has been embodied in the railway tax systems of most of the states.

The system of railroad taxation based on cash valuation of property, or of property and franchise, is rather complex in its administration. As regards details, its operations are not identical in any two of the states; but its main features, in all of those states where it prevails, are the same. Certain designated officers of the various railroad companies are required to return sworn statements or schedules to state officials, setting forth in detail the length of line with all its tracks, and the proportion thereof in each tax district of the state, all personal property of every kind, all rolling stock, and often a detailed description of the construction of track and roadbed, the time spent in that construction, and the value of materials employed. There is also required a full statement of all real estate owned or used in each tax district, of all stations, houses or other buildings, and all equipments connected therewith, of the amount of capital stock, including its market value, or if there is no market value, the actual value of the shares, in some cases including a list of the shareholders and their places of residence, in addition to a statement of the total amount of all

indebtedness, generally excluding current expenses. In some states the schedule must contain a statement of the respective companies' entire gross receipts, entire operating expenses, and entire net earnings, with a supplementary statement of the amount of such receipts, expenses and earnings, resulting from business done exclusively within the state. Neglect to furnish these sworn schedules is generally attended with heavy penalties, and false statements are punishable as perjury. Furthermore, in many cases the state officials to whom these reports are made, are empowered to require additional statements, when necessary, and even, as provided in a number of states, to summon witnesses, to examine them under oath, and to compel the production of corporation books and papers. The work of assessment on the basis of these returns is generally entrusted to a specially constituted state board, by whom the valuation is determined, and in most cases apportioned among the local taxing districts for the computation and collection of the tax. Railroad real estate, not directly employed in traffic operations, is generally assessed and taxed by the local officials.

In about a third of the states the process of departure from the original local general property tax took the form of a series of substitutions for, rather than modifications of, the early system. In a number of states systems based on the various forms of capitalization were adopted. In 1880 considerable progress had already been made in this direction. In Connecticut, for instance, a system providing for a tax based on valuation of corporate capital and floating and funded indebtedness came to be employed; in Maine, a system based on market valuation of capital stock was adopted; and in New York, a system providing for railroad taxation in common with corporations generally, upon the basis of capital stock according to dividends, was established. Since 1880, as regards railroad taxation, but little advance has been made in the introduction of these methods into new fields. Their most significant extension has been

in the cases of the various other transportation companies, but these will be mentioned later.

One of the most serious obstacles to which systems of taxation, based on capitalization, have been exposed in the past has been the restriction which has been put upon the taxation of corporate bonded debt by a decision of the United States Supreme Court. In 1872 that body decided, in effect, that a state tax on that portion of a company's bonded indebtedness which is held by non-residents of that state would be considered unconstitutional.¹ It is a notorious fact that the bonded capitalization of the railroads of the country is quite equal in amount to their capital stock; and that, therefore, a tax which rests in its immediate incidence merely upon the capital stock of a railway corporation reaches only a portion of the real investment. To this fact may probably be traced the origin of an influence, which has acted as a deterrent to the wider adoption of tax systems based on capitalization.

In a comparatively recent Oregon case, however, the Supreme Court arrived at the decision that a tax levied within a state upon a foreign-held mortgage, which is secured by real estate situated within that state, is constitutional.² Should this doctrine be held to apply to corporate forms of mortgage indebtedness, a noteworthy change in the status of the tax on corporate capitalization would be effected. Such, at any rate, has been taken to be the implication of the decision by the committee of the present New York Legislature, which has drafted a bill providing for the taxation of bonded or mortgage debts; and the same view of the decision is held by many other competent legal authorities.

Another system of railroad taxation, which was formulated as a substitute for the original local property tax, was that of the tax on business receipts. Prior to 1880 systems

¹ See *State Tax on Foreign-held Bonds Case* (15 Wall. 300).

² See *Savings Society v. Multnomah County* (169 U. S. 421).

based on this principle had already been established in a number of states. Thus, for instance, Michigan, Minnesota and Wisconsin had provided for graduated gross receipts taxes. In Pennsylvania, too, a tax on gross receipts, in addition to the earlier general corporation tax on capital stock, was established; and in Delaware and Virginia a sort of net earnings tax was adopted to supplement the existing systems of those states. Since 1880 the gross receipts system has been subject to still further extension. For example, in 1881 Maine abandoned the system of the tax on capital for one based on gross receipts; in the same year New York supplemented its existing system by a gross receipts tax; and in 1882 Vermont, like Maine, provided for a gross receipts system. But in Vermont, as the result of constitutional exigencies, this system has since been made alternative with one based on property valuation. The former method, however, still prevails in practice. Since 1880 several other states, following the example set by Pennsylvania and New York, have provided for gross receipts taxes, supplementary to previously existing systems.

But those cases in which taxes on receipts or earnings have been openly introduced into state tax systems, are not the only ones in which these methods are applied. In those states where the property valuation method prevails, the state boards whose duty it is to determine valuations, very often have considerable discretionary power. The tax laws which apply in these cases, frequently provide that these boards shall value railroad property with a view toward its earning capacity. In such instances, therefore, the possibility of arriving at a valuation which will bear an approximately constant relation to earning capacity, though only infrequently realized, yet exists. And still further, in those states where the franchise is valued in addition to property, earnings, as well as capital, are frequently considered in arriving at a valuation. The application and extension of

such methods as these, are to be regarded as at least an indication of a drift of sentiment toward tax systems based on railway earning capacity. That clause in the constitution of North Dakota, which explicitly recognizes the tax on gross receipts as a system suited to railway taxation, must also be regarded as an indication of possibilities in this connection.

The stand which has been taken by the Supreme Court of the United States in the matter of the taxation of receipts from interstate traffic, however, has probably placed a serious impediment in the way of a much wider extension of the gross receipts system to railway taxation. In a series of litigations, the Supreme Court held that a state tax on gross receipts resulting from interstate traffic, except when levied as a franchise tax, is an interference with interstate commerce, and is therefore unconstitutional.¹

Owing largely to the influence of these decisions, as well as to causes of a local nature, there appears to have set in within the last few years a tendency away from the gross receipts system in two states, which have in the past been the main strongholds of that system. In Wisconsin, and to a greater degree in Michigan, the existing systems have been subject to opposition. In the case of Wisconsin, the feeling in the matter is well voiced in the report of the Wisconsin Tax Commission of 1898. They state: "Most of the forms of tangible property are already taxed in full proportion to their value. In the case of banks, manufacturing and trading corporations, corporate property appears to be as heavily taxed as that of private individuals; but we do not think this is true of any class of corporations taxed on the basis of earnings or mileage basis." The commission, therefore, rather mildly advocate a change of system.

In Michigan, the agitation against the existing gross

¹ See *Fargo v. Michigan* (121 U. S. 230), and *Phila. & Southern S. S. Co. (122 U. S. 326)*. Also see *Maine v. Grand Trunk Ry. Co.* (142 U. S. 217) for *obiter* contrary to decision in other two cases.

receipts system has been very spirited. In 1897, and again in 1898, the railroad commission of the state, in its reports, arraigned the existing system as unjust and ineffective, and voicing a quite general feeling in the matter, recommended in its stead the adoption of a system based on the principle of property valuation. The governor of the state and other prominent men have been untiring in their efforts to bring about such a change. As a result, during the legislative session of 1897, the celebrated "Atkinson Bill" arose. It failed to pass that session, and was made the issue for a special session of the legislature of 1897. After various experiences it was passed by the legislature of 1899. This bill, which was largely modeled after the Indiana law, provided for a railway tax system based on cash valuation of property and franchise, upon general lines similar to those which characterize that system wherever it prevails. The law, however, was very short-lived; for the Supreme Court of Michigan, not long afterward, in two test cases,¹ declared it unconstitutional.

How much this agitation is the result of merely transitory political influences, and how far it is the outcome of strictly economic causes, it would be difficult to determine. Whatever may be the verdict on that question, it is quite evident that the political struggle against the gross receipts system in that state has not yet spent its force; and though at present it is a matter of improbability, it ought not to be a matter of surprise, if a measure substantially the same as the "Atkinson Bill" were yet to find place upon the statute books of Michigan.

The recent experience of Maryland has been quite the opposite of that in Michigan and Wisconsin; for under the new railway tax law of 1896, the gross receipts system of the state was very noticeably expanded.

In connection with the taxation of transportation companies upon all of the bases which have been mentioned

¹ 78 Northwest Reporter, 125.

above, there has been rapidly spreading an administrative device for the pro-rating, according to mileage, of taxable elements of an interstate character. In the case of the tax on cash valuation of property, the necessity for the adoption of this plan arises, of course, only in the taxation of rolling stock. The plan generally followed in such cases is to tax rolling stock upon that portion of its value, which is represented by the proportion of mileage traversed within a state to total mileage covered.

Under the system of the tax on capital, in the case of foreign corporations, the legal requirement that only that portion of the capital stock of any company which is employed within a state, shall be taxed by that state, has resulted in the general adoption of the plan. The taxation of sleeping car companies in Pennsylvania furnishes a good example of this practice. In that state, the capital stock of every such company is assessed by a state official, taking as the basis of assessment such proportion of the capital stock, as the number of miles of railroad over which the cars of the company are run in Pennsylvania bears to the mileage in that and other states over which its cars are run. The perfect legality of this method has been repeatedly affirmed by the United States courts.¹ In the case of domestic corporations, although the practice of pro-rating is not necessitated by legal dictum, recognition of the practical justice attainable under the method had led to its general adoption.

Under the gross receipts tax system, so far as concerns foreign corporations, any attempt by a state to tax receipts other than those resulting from purely intrastate traffic, encounters a direct prohibition in the decisions of the United States Supreme Court. In the case of domestic corporations, the right of any state to measure the value of a franchise which it has granted by total receipts, even including those from interstate traffic, has been upheld by the courts. But the plan generally followed in such cases has been that of

¹ See *Pullman Car Company v. Pennsylvania* (141 U. S. 18).

taxing only a mileage proportion of the gross receipts. Such, for example, is the method followed in Maine, where receipts from business of an interstate character are prorated according to the ratio which the mileage traversed in doing business within the state bears to the total mileage covered both within and without the state.

Other Transportation and Transmission Companies.

One of the practices which is constantly becoming more and more prominent in the enacting of state tax laws, is that of making specific provision for the taxation of transmission and transportation companies other than railways. Of recent years, this has been particularly the case with those companies which do a business upon the various railway lines of the country, complementary and subsidiary to the railroad business. In legislating for the taxation of these companies, the states have very noticeably avoided the property tax system. It appears to have been quite generally recognized that a tax on the mere value of the property of these companies would be entirely ineffective in reaching their true taxable capacity. That this evil does actually arise under the property tax system, is amply affirmed by the experience of those states which still cling to that system. But changes are constantly being effected; and the general practice of recent years has been manifestly pointing to the abandonment of the old system, and tending toward the adoption of others, which have already proved tolerably efficient in a number of the states.

In the case of express companies, the need for specific tax provision has been very marked. Under the system of the local general property tax, these companies have almost entirely escaped taxation. The attorney-general of Montana not long ago made a statement bearing on this point, which is typical of the operation of this system wherever it exists. He says, "Take for instance one of the principal express companies operating in this state; in one county it undoubtedly

does a business of several hundred thousand dollars, and the property owned by it in the county subject to taxation will not aggregate in value, five thousand dollars. The system now prevalent, which ignores the franchise and simply assesses the tangible property, is practically a farce." Many states have sought to remedy this condition of things by specific legislation on the subject; and in most cases where this has been done, the gross receipts system has been adopted. Of quite recent years, however, the legislative trend appears to be toward a form of tax based on capital stock. Indiana adopted such a system in 1893, and Wisconsin pursued a similar plan within the past year. Ohio, several years ago, changed over from a gross receipts tax system to one nominally based on cash valuation of property, but in reality fixed very largely on the basis of net earnings. The practical difficulty of making adequate provision for the taxation of these companies, at least in the light of the various legislative efforts in the matter, is not a slight one. It will be interesting to note the experience of Texas, which is not far from typical in this respect.

The first law in that state upon the subject, enacted in 1879, in line with southern tendencies, provided for a specific annual tax of seven hundred dollars to be paid by every company doing business within the state. In 1882, the amount of the tax was reduced to five hundred dollars. This law continued in force for seven years, when the amount of the tax was raised to one thousand dollars. This act was in turn repealed in 1895, when the present law, taxing these companies on the basis of their gross receipts, was enacted. The workings of this law appear thus far to have been attended with satisfactory results.

The taxation of sleeping, palace and dining car companies, has claimed considerable attention during the past twenty years. In a number of states, a system of taxation based on cash valuation of rolling stock has been adopted. But in the majority of cases, where the taxation of these com-

panies has been made the subject of specific legislation, the gross receipts system has been established. The tax on capital has also gained ground, as is shown by the enactment of the Indiana law of 1893, and the Wisconsin law of 1899. The experience of Texas in this matter, as in the case of express companies, is an interesting one. The first law on the subject, passed in April, 1879, provided for an annual tax of two dollars per mile of road in the state over which cars were hauled. Three months later the system was changed to one of a tax of one-half of one per cent on the value of cars used in the state. In 1881, this law was repealed, and the law levying two dollars per mile was re-enacted. A year later, the tax was reduced to fifty cents per mile. All of these laws having proved unsatisfactory, the present law was passed in 1893. This, with the supplementary law of 1897, provides for a tax of one-fourth of one per cent on the annual value of the gross receipts of the companies concerned, in addition to a tax of twenty-five cents on each one hundred dollars valuation of the capital stock employed within the state.

With the increasing growth of fast freight and car-line companies of recent years, the problem of their taxation has come to be of considerable importance. In the framing of laws for the taxation of these companies, the system of the tax on capital appears to have been the prevailing model. Such was the case with the recent Wisconsin law, as well as with the earlier Ohio law of 1896, and with the law passed in Minnesota in 1897, where all other transportation companies are taxed on the basis of gross receipts.

Upon the whole, the most marked tendency to be noted of recent years in legislation for the taxation of express companies, sleeping-car companies and freight-line companies, has been one which points to the increasing adoption of the tax on capital. The Maryland law of 1893, which already had noteworthy precedents in the general corporation tax systems of Pennsylvania and New York, appears to

have set an example which has been followed quite widely in the states northwest of the Ohio River. The gross receipts system, largely as the result of federal interference, has of late been but little adopted.

The most notable practice among the states in the taxation of telegraph companies, has been one based on a cash valuation of telegraph line, determined on the principle of a fixed sum per mile of wire. This method and that of the taxation of gross receipts, constitute the two systems which prevail in the majority of the states. With the telegraph companies, as with railroads, the decisions of the United States Supreme Court have been unfavorable to the taxation of interstate receipts.¹

Legislation for the taxation of telephone companies has been upon the same lines as with telegraph companies, except that not infrequently as regards the former, instead of the method of the levy at a specific sum per mile of wire, the plan of a fixed tax per instrument in use has been followed. In a number of states, moreover, telephone companies have been made subject to taxes on gross receipts, where telegraph companies have been taxed on some other basis. This has been largely due to the fact that the telephone business is still mainly of a local character, with the result that a tax on the gross receipts of a telephone company, which are predominantly of an intrastate character, does not, as in the case of telegraph companies, encounter the limitations which have been imposed by federal court decision.

Local Taxation.

The problem of raising revenue for the ordinary expenses of local government is of a difficult nature. One of the most marked of present tendencies is a constant expansion of the sphere of local expenditure, which is far outstripping

¹ See *Telegraph Company v. Texas* (105 U. S. 460), and *Ratterman v. Western Union Telegraph Company* (127 U. S. 411).

in rapidity the increase of state expenditure. The cause is quite obvious. The making of local improvements such as paving and lighting, the growth of local charities, the opening of public parks and the general improvement of local sanitary conditions, have all tended to create an increasing demand for local revenue. In the light of this fact, any change in the relation between state and local sources of revenue must be regarded as of particular interest and significance.

In the taxation of transportation companies, the main trend of legislation has been away from the local general property tax, toward a system of local taxation based on real estate only. It will be recalled that the property valuation system, which prevails in the majority of the states; in nearly every case provides for the local computation and collection of the state tax on the basis of values apportioned by a state board, and in most instances, in addition, for a local tax at the usual local rate upon the same apportioned values. This system must not be confused with the local general property tax pure and simple. In its administration at least, it is quite distinct; and in effect, it amounts to much the same thing as, for instance, the West Virginia system, by which the tax is entirely computed and collected by state authorities, with a subsequent distribution of a portion of the proceeds among the local districts. In reality, the only tax which in these cases remains exclusively subject to local control is the tax on railroad property, situated outside of the right of way; and this in actual practice applies only to real estate.

In a number of states, the complete separation of the sources of state and local railway tax revenues has already been effected. Upon the whole, this has been a practice of growing significance. But it has not been unattended with opposition, especially from the local districts, where it is urged that the removal of so large a source of revenue operates with injustice to the local divisions. There are

many, too, who, for other reasons, regard the policy of separation as a dangerous innovation, especially should it apply to the taxation of corporations in general. In line with the attitude of the Maine Tax Commission of 1889, they deem it unwise "to sever the financial ligament which now closely unites the state government with the town, and in fact with every individual." Whether the policy is a wise one or not is still an open question. The practice of the states, at any rate, appears upon the whole to be pointing in that direction. Particularly in the case of railway taxation, the legislation of the past fifty years has tended to expand the taxing sphere of the more central authorities to the restriction of the sphere of local activity.

In several states, as in New Hampshire and West Virginia, where railroad taxation is exclusively a matter of state administration, the system of locally apportioning a share of the proceeds of the state tax in aid of local finances, is in vogue. Although this practice is not at present of very great significance, in the event of the further general assumption of the functions of railroad tax administration by state authorities, its adoption, at least during transitional adjustments, might be expected as a matter of practical fiscal necessity.

In Minnesota, railroad taxation is practically distinct from local activity. There, railroad property, excepting lands granted by the state or by the United States, is exempt from local taxation. But this is altogether exceptional, the preponderance of state practice being on the side of a local tax on railway real estate.

Other Significant Tendencies.

There yet remain to be noted several changes in the practice of taxing transportation companies, which are coming more and more to characterize the taxation of corporations generally. Chief of these is the growing practice of treating domestic and foreign corporations upon the same general

footing. This has come to be almost universally the case under the system of taxation based on cash valuation of property. Under the system of the tax on capital, state policy and practice are tending in the same direction; and even where the gross receipts system prevails, though there are still exceptions in practice, state authorities are more and more striving to conform to this rule. The courts of the states, in particular, are being instrumental in effecting this result. For example, in New Jersey, the Supreme Court has decided that it is not competent for the state to lay a tax upon a foreign corporation in a mode which differs in principle from that which it applies in the taxation of its own corporations.¹ In California, it has been held that in case a corporation does an interstate business, such that the state has no power to keep it out, the assumption is that the state must apply to it the same principle of taxation as is applied to domestic corporations.² Further, the Louisiana Constitution of 1898 provides that foreign corporations may be taxed in a different mode from domestic corporations, but that the principle which is applied must be the same in both cases.

With regard to those laws which have been enacted in many states, under a variety of names, for the levying of a fee upon corporate charters, similar facts are to be noted. In New York, for instance, according to a decision of the courts, the state tax on organization applies to foreign corporations beginning to do business within the state, as well as to those of domestic origin. The Vermont laws of 1890 and 1894 make provision to the same effect, as do also the more recent laws of Texas and Washington.

Another practice which is of growing significance is that of levying taxes upon the incorporation and organization of corporations and joint-stock companies. Fifty years ago legislation of this character was of but insignificant extent. At present, laws of this type are to be found in nearly

¹ *Erie Railway Company v. State* (31 N. J. 531, 543).

² *San Francisco v. Liverpool Insurance Company* (74 Cal. 113).

two-thirds of the states. The same, in general, holds with regard to the levying of many of the so-called "license taxes" on corporations, and also, since 1878, with respect to the introduction of the franchise feature into the systems of many states.

Finally, that change of attitude which is resulting in the abandoning of the tax on security holders must be noted. Not many years have passed since the practice of attempting to collect a tax from the holders of corporate securities was almost universal. Of recent years, particularly in the case of railroad securities, a large proportion of the states have given up the attempt, and instead, have sought to tax the corporations themselves to the full extent of their apparent earning capacity. The laws of California and of Arizona, for instance, have gone so far as to explicitly forbid the taxation of both corporation and security holder; the law in the latter state asserting that "shares of stock in a corporation possess no intrinsic value over and above the actual value of the property of the corporation for which they stand." The increasing prevalence of this attitude, in addition to the fact of the impossibility of collecting a tax from security holders, are both operating toward the abandonment of the practice.

Conclusion.

Two general plans are open to consideration in the future legislation of the United States for the taxation of transportation companies. One is that of the further modification of existing systems, exclusively by state and local authorities; the other is that of the extension of the taxing jurisdiction of the federal government over these companies. Of recent years, the movement for the federal taxation of interstate commerce has assumed appreciable importance. Federal expenditure has been rapidly increasing. The resulting need for greater federal revenues, coupled with the evils resulting from the lack of uniformity in state railway tax administration, has resulted in a considerable

advocacy of the policy of federal taxation. Moreover, the probability that the taking of this step would greatly simplify the solution of those problems which arise out of the broader question of monopoly control has been of considerable weight in furthering the advocacy of this policy.

Before 1850 the railroads of the country were merely local in their importance. At about that time there set in the movement toward consolidation of lines, which in time necessitated state assumption of taxing powers and state regulation of transportation problems. Now, last of all, the movement toward consolidation and combination has progressed so far that huge monopolistic concerns, wielding vast commercial and industrial powers, have become the order of the day. Just as after 1850 the local districts were unable to cope with the problems which arose at that time, so now the states are confronted with conditions with which it appears to be beyond their power to effectually deal. Beyond the question of taxation as a source of revenue, therefore, would not the assumption of this new taxing power by the federal government place in the hands of the federal authorities a most effective means of monopoly supervision and control? The answer must undoubtedly be in the affirmative.

But other important considerations must not be neglected. In the face of the probable opposition of the railroads of the country and of the states themselves, would it be practicable to take such a step? With state and local tax systems so intimately connected as they still are in the majority of the states, would it be possible to effect this change without a costly reaction upon local fiscal systems? If it were to be proposed that a portion of the proceeds of the federal tax on railroads be distributed among the states, with a view toward assuaging any such difficulties as might arise in this respect from the change, would it be advisable to recur to such a plan in the light of the experience of 1837 in the distribution of the federal surplus? These and many other

questions arise in this connection. I mention them, not with the purpose of suggesting even a qualified answer, but simply to give a hint of the complicated character of the problems involved. The answer must be sought in the logic of a coming decade's events.

On the basis of the facts which have been presented, I trust that the following conclusions will not appear unwarranted:

(1) Railway tax systems are becoming more and more distinct from the systems applied to the taxation of individuals; and this process is being accompanied by an increasing degree of centralization in the administration of railway tax systems.

(2) In the establishing of distinct railway tax systems, increasing departure from the system of the general property tax, toward systems based on corporate capital and corporate profits, is being effected.

(3) The practice of making specific provision for the taxation of transportation companies other than railways, is expanding, and on lines other than those of the system of the general property tax.

(4) The local taxation of railways is tending toward the taxation of their real estate only.

(5) The practice of levying special supplementary impositions upon corporations, in the shape of organization, franchise and "license" taxes, is a growing one.

(6) State tax laws are coming more and more to treat foreign and domestic corporations, for purposes of taxation, upon the same footing.

(7) The states are tending to exempt from taxation the holders of corporate securities, when the corporation itself is taxed.

(8) The fact of the rapid consolidation and combination of railways companies points toward a federal tax on interstate traffic.

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PROPORTIONAL REPRESENTATION AND THE DEBATES UPON THE ELECTORAL QUES- TION IN BELGIUM.

I.

By law of December 29, 1899, Belgium has adopted the system of proportional representation for the election of members of the two legislative chambers. Since 1895 the system is in use in municipal elections (Communal Councils) in case no party succeeds in obtaining at the first election an absolute majority of the votes cast. But now for the first time proportional representation will be tested by a European state for all its deliberative bodies. England has indeed adopted, in some instances, minority representation on various boards but only in a small number of districts. In the Swiss Cantons, where proportional representation prevails, both population and territory are very restricted, while the Confederation continues under the majority regime.

The Belgian experiment is interesting from two points of view. In the first place it will be permitted to the patriotism of the author, to assert that the evolution of political institutions in little Belgium is not indifferent to the large countries of an advanced civilization. Situated on the frontier of Germany and of France, and separated by only three hours at sea from England, Belgium has had for centuries the privilege of participating in the civilization of its powerful neighbors. If it be true that it has been subject particularly to the influence of France, especially in the first half of this century, largely through the common language of the ruling classes, it is not less true that it has Germanic traits deeply rooted in its character, and that it has borrowed from England, better, perhaps, than many other continental peoples, the practice of liberty, at the same time that it has followed England very closely in her

economic development. In consequence, and with due regard to the special circumstances affecting Belgium—for instance, its narrow territorial limits and its permanent neutrality—the causes which have modified Belgian institutions are also at work in the larger states which surround her, but the effects are here sometimes more visible: the evolution is, in certain lines, more rapid. Thus industry on a large scale, coming from England, early assumed here a development which was only attained later in France and especially in Germany; the transition from the agricultural to the industrial state was accomplished in a very brief space of time. Such is likewise the case with the formation of an industrial proletariat and the development of socialism. Nowhere in Europe is the labor party (collectivist) stronger and more solidly organized, and nowhere has it more chances and less obstacles before it to gain control. This is why it is not infrequent to hear it said in Germany that from a social point of view Belgium is the “laboratory rabbit” in which attentive observers may examine the various phases of the future evolution of the large states. Perhaps this may be applicable also to proportional representation. Certainly the parliamentary system calls for reform in all countries. It has not shown itself to be, as was generally believed at the middle of this century, the final mode of political organization, and at the moment when so many countries discuss the difficulties which it engenders, Belgium is seeking to strengthen it by perfecting it.

In the second place, the circumstances which have led to this important reform are themselves instructive for political philosophy. Can there be in fact anything more astonishing than to see a government, controlling in the two chambers an enormous majority, confronted by several opposition parties, none of which might hope single-handed to gain power to prevent profound disruption in its own party, pass an electoral law whose first effect will be to

reduce its majority by more than one-third? Whatever may be the ideal justice of such a measure, whatever the sincerity and the love of equity which its authors profess, one can hardly conceive that the party leaders should take such responsibilities without imperious motives. It is necessary, in the case of the Belgian Catholic party, to examine its motives in order to explain the vote upon the new law.

II.

No account of the electoral debates of the past year in Belgium would be comprehensible if detached from the history of the political régime in the preceding years. The constitution of 1831 attached the suffrage to the payment of taxes; to be entitled to vote, a citizen should pay the state in direct taxes a sum to be fixed by the electoral law, but which should not be less than 20 florins (42*fr.* 32*c.*, approximately \$8.46). The tax requirement first enacted was differential, being fixed at varying sums, according to the population of the localities. In the small cities and in the country, it was necessary to pay less taxes than in the large cities to acquire the right of suffrage—a premature application of the theory of subjective value.

As to the method of election, the constitution prescribed that it should be direct; that it should take place by administrative districts (*arrondissement*) and that the number of seats to be given to each district should not exceed the proportion of one for every 40,000 inhabitants. It was, therefore, the election of a varying number of persons in each district (*scrutin de liste*). At that time, it should be noted, there was no question of political parties. All shades of opinion were united in the patriotic sentiment against the foreigners. The electoral districts coincided, for obvious reasons of simplicity, with the administrative divisions of the provinces. By making the number of seats of each correspond to its population, it was

thought to establish the most just equality. There was, moreover, at the outset, one district electing seven representatives, one electing six, two with four deputies, and the rest with one to three.

The first important modification of the original electoral system took place in 1848. Belgium felt the shock of the events which convulsed France, and some agitation arose among the masses of the people in the cities. The Liberal party had, in 1846, been organized and had formulated its program. The wisdom of King Leopold I. led him to spare a revolution in not opposing, like his father-in-law, Louis Philippe of France, an obstinate resistance to the popular spirit. An electoral law diminished the tax requirement uniformly for all the country to the minimum established by the constitution. To have gone further would have been impossible without revision of the constitution, which could only be effected by a majority of two-thirds in each of the two chambers. There were none, moreover, among the leaders of the Liberal party to demand the establishment of universal suffrage recently proclaimed in France. The new electoral system favored the Liberal party, which rested upon the support of the well-to-do classes in the cities and in the manufacturing regions. Led by a statesman who would have acquitted himself with credit in a larger sphere of action, M. Frère-Orban, the party remained in power from 1857 to 1870. Free trade, which was enacted in 1862, gave a tremendous stimulus to industry and commerce, thus increasing the population in the industrial districts where the Liberals had the majority, and also increasing the well-to-do *bourgeoisie* class of the cities. The Catholic ministry, which was at the head of affairs from 1870 to 1878, was in the words of its chief, "content simply to exist," and passed over the reins of government anew to M. Frère-Orban from 1878 to 1884.

During all this time the fundamental basis of the suffrage law remained by necessity immutable, as no majority was

strong enough to dream of undertaking a revision of the constitution. On the other hand, the conflicts of the two large parties became more and more acute. As a change of a few votes in a district sufficed to capture from eight to ten parliamentary seats, on which depended the fate of the government and of the party, the electoral body was the object of such cabals and intrigues, as few countries and few periods have furnished a parallel. There were divisions where every candidate made a personal visit to all of the voters. The pressure of influences both legitimate and illegitimate was exercised in a shameful fashion. The organization of committees and of political associations was marvelous. The efforts and resources of an extraordinary intelligence were spent in tricks and in frauds.

Before each important election, laws were enacted to assure the independence and the secrecy of the ballot, which became increasingly rigorous. Thus, in 1877, a law provided that the ballots should not be printed nor written by the voter; since that time in each voting place the voter receives an official ballot on which he marks with a pencil a point left blank within a black square. The vote is prepared in each voting place behind wooden screens which isolate the voter. Thus no external mark indicates the origin of the ballot.

III.

The fall of the Liberal ministry (1884) had been brought about among other things by dissensions which arose in the midst of the party by the extremists who demanded an extension of the right of suffrage. When the Conservative party entered into power in 1884, the electoral question had already been raised. But very soon another factor arose to modify considerably the respective positions of the two parties, which up to that time had contended for power: in 1885 the Labor party was founded, which soon united in its labor leagues spread throughout the industrial district,

and around the powerful co-operative bakeries like the Vooruit of Ghent, growing numbers of the workmen.

In 1886, strikes accompanied by rioting and incendiarism, and necessitating the intervention of armed force, contributed to bring the social question to the attention of the politicians. The chief of the Catholic Cabinet, M. Beernaert, proposed, at that time, a certain number of laws regulating industrial enterprises which, though very moderate in their scope, are important because they opened the era of labor legislation in Belgium. One will readily understand that these concessions became less and less efficacious as the influence of the Labor party increased. Supporting and even exceeding the demands of the advanced Liberal party, they demanded universal suffrage. It was evident that a day would come when Belgium could no longer maintain the restriction of the electoral privilege to 116,000 citizens.

As the Catholic majority was reinforced at each election, as internal dissensions and the advice of the new Labor party rendered the return of the Liberal party to power improbable, M. Beernaert resolved to bring about a profound reform of the suffrage system before the masses should extort it by force. He had the chambers declare that revision of the constitution was necessary. This declaration involved the dissolution of the two chambers. In those which were elected in 1892, the Catholics lacked a few votes only to have, unsupported, the majority of two-thirds necessary to adopt the new articles. It was necessary, therefore, at whatever price, to gain some Liberal votes for the plans of the government. The revision was laborious. At first the government proposed a voting system based upon the occupation of a dwelling of a certain value, which was very low, and somewhat akin to the English suffrage, but which failed to receive either on the Right or on the Left a sufficient support. After many experiments, an agreement was reached between the majority

of the Right and the advanced section of the Left, on a rule proposed by M. Nyssens, a Catholic deputy, who became later Minister of Industry and of Labor. That rule was the plural vote.

Every Belgian of twenty-five years of age has the right to vote without condition of taxation, property, or education. In thus far the system is universal suffrage, but to moderate it, it is provided that certain classes of the citizens should possess one or two supplementary votes. One supplementary vote is given to those, who, being thirty-five years of age, are married (or widowers having legitimate descendants), and paying to the state at least five francs taxes, and to those who, being twenty-five years of age, are the proprietors of a small real or personal property. Two supplementary votes are given to citizens who, being twenty-five years of age, have received the diplomas of superior instruction or fulfill a public office or a private profession, which implies an education corresponding to that which is given in the institutions of secondary education. Thus the fathers of families, proprietors, educated classes and officials have their electoral power doubled or tripled. The plural vote of Belgium attempts, therefore, to grade the electoral influence of each citizen according to the interest which he has in the maintenance of order.

At the same time the right of suffrage was raised to the height of a veritable function: the constitution rendered it obligatory with the threat of penalties, which are light enough, but which have in fact shown themselves to be effective. Thus the electoral body passed rapidly from a restricted tax-paying basis to a general plural vote. From the 116,000 voters of which it was composed in 1892, it passed in 1894 to nearly 1,200,000, casting in all 1,800,000 votes. This reform attained its end in so far as the popular agitation ceased for several years.

IV.

The first effect of the revision of the constitution was the annihilation from the parliamentary point of view of the Liberal party. In the chambers elected in 1894, as in 1896 and 1898, the great party of M. Frère-Orban was reduced to almost nothing. In the senate alone a group of twenty Liberals, counting among them able leaders, defended with Liberal opinions with much ability, but with little practical effect—the higher chamber where the Catholic majority is, moreover, always more docile and more homogeneous, not having the habit of modifying laws which have been voted by the chamber of representatives. In the latter, the six or eight representatives who called themselves Liberals belonged almost exclusively to the advanced group, which in many districts had made alliances with the Labor party, so that the opposition was in reality conducted by the socialists.

The second effect of the revision was the success of the Labor party and the entrance of the socialists into parliament. Conducted by able chiefs, such as M. Émile Vandervelde, they were able to make from the tribune of the parliament the most active and effective propaganda in favor of their ideas. Each partial election (1896-1898) has demonstrated the solidification of their position in the industrial regions. One can readily conceive that the opposition of thirty Labor representatives no longer had the same character as that of the Liberal industrialists of former days. To begin with, the centre of activity was displaced at the same time as the interests represented. The social question in all its forms and on all occasions took the front rank. Finally the tone and attitude of the speakers was very different—more frequent violence of language, more brutal interruptions, and a coarser eloquence characterized the sessions.

Though more violent, the opposition was not, however,

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any more effective, for the Catholic majority obtained two-thirds of the votes, a formidable proportion which had not been acquired in many years by any party in Belgium. But this numerical force itself ended in weakness. Since the revision, contradictory tendencies appeared which have since become more and more acute. The Christian-Democratic party was founded, which in many points was at variance with the government and in agreement with the socialists. A certain number of Catholics, relying upon the encyclical of Pope Leo XIII. *Rerum novarum*, considered it essential to the salvation of their party to have greater contact with the laboring classes and not to leave to the socialists the monopoly of the defence of the weak. They have borrowed their methods from the Labor party, have founded co-operative societies and trade unions. Of necessity, they have given voice to demands which find no approbation among the conservatives, the large land-holders and industrialists who form the bulk of the government majority.

The third effect of the revision was to bring before the parliament the question of proportional representation, and to divide the Catholic majority on that question. It had long been a question for discussion in Belgium. An association founded in 1871, of which M. Emile de Laveleye had been a member, had devoted itself in an academic way to the representation of minorities. After many debates and many experiments, it had contrived to bring about an agreement among its adherents on an ingenuous and simple formula of a professor of the University of Ghent, M. V. d'Hondt, whose program consisted in three points; to assure, so far as possible, and beyond all party spirit, *the power to the real majority of the country, the supervision to the minorities, and exact representation of all serious groups in the electoral body*. Little by little a large number of political leaders of all parties subscribed to this motto, among them M. Beernaert. During the debates on the

constitutional revision he had already announced his intention to prepare the way for proportional representation. The revision being accepted, it was necessary to make the electoral law which would determine the mode of voting. The government proposed proportional representation. We may be permitted to believe, without diminishing in the slightest the sincerity of the sentiments of justice which is at the base of proportional representation, that M. Beernaert had at that time a very clear idea that it was the best means of assuring power to the Catholic opinions for a long number of years. As a sagacious statesman he knew that the largest majorities are not the most solid. The proposal of M. Beernaert was attacked with such vigor by an important group of his own party, that he deemed it incompatible with his dignity to remain in power and resigned his office (1894). The majority system, therefore, remained in force for the legislative election.

But in the following year the question arose of bringing the election of Communal Council in harmony with the new reforms, introduced by the constitution, the adherents of proportional representation succeeded in having accepted, as an experiment, a partial application of the system—all to the advantage of the Catholic party. It consists in this, that when a party does not obtain an absolute majority of votes, the seats are distributed among all the parties proportionately to the respective number of their votes. This application of proportional representation, fragmentary as it was, has had the greatest importance. It has accustomed the public to see in actual operation a system which it had considered so complicated. It has also shown under what conditions it can operate with success. Many of the provisions of the Communal electoral law have not been incorporated in the new legislative electoral law (thus the provision in regard to the *quorum*)¹ because experience has

¹ A provision that unless a party cast a prescribed fraction of the total vote, its ballots should be disregarded in distributing the seats.

shown their disadvantages. It has, moreover, familiarized public opinion with the idea that it is right that each party should be represented in the deliberating body, and that the absence of a numerous majority, obedient in all points to the direction of the executive power, is not in itself an obstacle to a good administration. Without doubt the government of the large cities—where the three parties form each about one-third of the Communal Council—is not so easy as formerly, but all of its actions are supervised and scrutinized by minorities with which one has to reckon—of which the public at least has nothing to complain.

V.

It was to be foreseen that sooner or later this reform should pass from the local to the legislative elections. At the elections of 1896 and 1898, however, it was not an issue, but one after another all parties inscribed the reform upon their program. The Progressist party led the van, and the first proposition in parliament in this sense came from them. The moderate Liberal party, where it encountered obstinate adversaries, finished by accepting it on the insistence of the Flemish Liberals, who saw in it a means of reanimating the political life in Flanders, where the hope of victory was completely lost under the majority system. A number of conservative Catholic associations had voted resolutions in its favor. The Democratic-Christian party was even more ardent in its favor; for to this group it offered the possibility of a separate and independent political life. The Labor party finally, although demanding in the first place universal suffrage pure and simple (that is to say, the equality of all voters and the abolition of the plural votes), had left its members free to vote for proportional representation, as a demand of justice, although a certain number of socialistic deputies were entirely hostile to it.

However, the electoral reform remained in the domain of possibilities rather than of necessities, especially in the

eyes of the Catholic party. Two circumstances brought it to the first place in the concerns of the majority: on the one hand, the alliance of the electoral forces of the Liberal and Socialist opposition; on the other hand, the outlook for the election of 1900 in the districts with a very considerable population, among others that of Brussels, that is, those which controlled a large number of seats.

Since 1894 one frequently heard that the Liberal party had definitely disappeared. The fact is that it no longer contrived to elect, at least in the chamber of deputies, a delegation proportional to the number of its members in the country. That number, however, was not to be neglected: in the elections of 1896 and 1898 it was 385,000 votes to a total of 1,800,000. How could this disproportion be explained? By the simple play of the majority rule. In the greater part of the districts, where formerly the Liberal party contended with the Clericals for the victory, it finds itself at present opposed by two adversaries, the Catholic party and the Socialists, equally distant from its aspirations and its ideas. If an absolute majority is not attained at the first election, a second takes place, where only the two candidates having the most votes can be voted for. The Liberal party, numerically the weakest, had, therefore, the alternative of voting for Catholic or Socialists. The party divided, its more conservative members voting for the former, and the most advanced for the latter. In both cases there were no Liberals elected. Thus, if we may be allowed the expression, nothing remained for the Liberals except to choose the sauce with which they should be eaten. This situation was all the more irritating because with the obligatory vote they were obliged to participate in the preparation of the sauce. At last it appeared absolutely unsupportable. An extremely lively current of opinion became manifest in the midst of the Liberal party: as the Catholic party in power seemed infinitely more formidable than the Social party in the opposition, the Liberals began

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to decide, however reluctantly, to vote for the opposition candidates. Treaties of alliance were formed. A committee composed of moderate Liberals and Progressists, called "the Alliance," proclaimed that such should be the general policy to be adopted. One of the Liberal chiefs of Brussels declared that he would rather make an alliance with the devil than to vote for the Catholics.

There was nothing in this attitude to disconcert the government and the majority, had they been certain to obtain in parliament a representation adequate to their electoral force in the country. This danger of coalition of the opposition is normal in a parliamentary régime. But given the district system of voting, it would have been enough for this coalition to succeed in one or two large districts to reduce the formidable majority of the government to a minority. The district of Brussels, for instance, elects eighteen representatives, and a change means a displacement of thirty-six votes in the chamber. And, as the seats attributed to each district must be, according to the constitution, proportional to their population, this situation could only grow worse, as the agricultural districts, generally faithful to the Catholics, see their population increase much less rapidly than the urban districts, particularly the large cities. As, on the other hand, the majority system gives all the seats to the party which has the absolute majority of votes, and none to the minority, one can see how the outcome of future elections was uncertain and how, in short, the powerful parliamentary majority of the Catholics was precarious. Thus, the necessity for reform was at length recognized by the Right as unanimously as it had been long since by the Left for different motives. But if the existing electoral system was universally condemned, there was no agreement as to what should replace it. As the danger arose in the large districts, a part of the Catholic press began to propose simply to divide them; certain journals demanded only the division of the Brussels district. But

how could this limitation be justified? The arguments which were good against Brussels were good against other districts. Furthermore, it was perceived that in the future similar causes would lead to a like situation in other places. Where should the line be drawn between large and small districts? The opposition denounced with the greatest energy the arbitrary character of this proposition, which deprived it of the only chance it had to overcome the ministry.

To avoid the reproach of being arbitrary, it was resolved to take a step forward and propose the abolition of the district system. The campaign was opened in the press in favor of an apportionment which should give one seat to each division. Instead of 41 districts, with the number of seats varying from 1 to 18, it was proposed that there should be 152 electoral divisions, each sending a single representative. Besides certain journals of the Right, some Liberal papers supported this plan. It was antagonized on the Right and on the Left by the adherents of proportional representation. The latter, in fact, gives equitable results only in large districts where there is a considerable number of seats to be distributed. The single vote system would have been an insuperable obstacle to its adoption. The only advantage of the single vote system was to furnish to the opposition a greater chance of electing its adherents through local and personal influences, but this advantage was offered in a much more complete fashion by proportional representation. It was not difficult for the partisans of the latter to demonstrate that the single vote plan might lead to results even more unjust than the district plan, that is, to gain a majority of seats to a minority of votes. Furthermore, it was reproached with degrading the level of elections by giving in each district a preponderance to local questions.

Furthermore, these projects were shattered like the sea against the rocks by an unsurmountable objection. How

could the "cutting up" of the districts be effected in an equitable fashion, that is to say, without party considerations? The adherents of the measure were challenged to produce an electoral geography which should satisfy everybody.

In spite of this, however, the system appeared at one time about to obtain the assent of the majority of the right, and it is said of the crown, when two members of the cabinet in favor of proportional representation, one of whom was the Prime Minister, retired. The direction of the cabinet devolved upon M. Van den Peerebom, who had been for fifteen years Minister of Railroads, an administrator of great capacity. But he was at the same time a man of extraordinary obstinacy and of overbearing brusqueness toward his adversaries. These personal defects were not without influence upon the course of events, as they contributed to exasperate the opposition. He undertook to establish a majority for a project based upon the single vote system. The negotiations lasted for a week, during which the political world was convulsed with an anxiety. It resulted in nothing but a compromise. It was necessary to come to an agreement of the adherents of proportional representation.

On the nineteenth of April, 1899, the ministry presented to the chamber an electoral law in which the actual districts were maintained. Proportional representation was established, but only for those districts which elected at least six representatives. The practical result of this project was obvious. The Catholic party having in general the majority in the small districts, was assured the preservation of these seats. But on the contrary, it obliged its adversaries to renounce the chance of obtaining the absolute majority of the votes and consequently all the seats in large districts, by establishing a proportional distribution in which the Catholics would certainly gain a certain number of seats. The evident injustice of the project aroused a formidable

resistance which was organized throughout the country. The Liberals, Progressists and Socialists united to reject it. The concentration of the opposition of forces which the government sought to avoid was accomplished with unanimity and completeness.

In the chamber the entire Left resolved to prevent by all means a vote upon the law. It announced to the ministry that it would not discuss the project and that it would make it impossible for the chamber to deliberate. In fact, when the moment for opening the discussion arrived, the obstruction commenced. The retreat in a body of the opposition not being sufficient, they had recourse to disorder. As soon as a speaker of the Right attempted to speak, cries and the beating of desks overpowered his voice. The Socialistic deputies even brought musical instruments, trumpets, horns, etc. As the rules of order of the chamber did not foresee such a case, these proceedings were permitted. For hours the deafening turmoil of the Labor deputies struggled with the patience and the obstinacy of the speakers, and Belgium's parliament had never seen such a spectacle.

At the same time the streets began to agitate. Demonstrations uniting citizens and laborers filled the streets, particularly those of the capital. In order to maintain order, the ministry brought from the province hundreds of mounted police. It was an irreparable fault. The brutality of these guardians of public order exasperated the population. Conflicts occurred, pistol-shots, and injuries. The situation became so serious at Brussels that it was called a revolution.

The ministry hesitated to maintain order by shedding blood, and announced the withdrawal of its project and the substitution for it of a project generalizing the application of proportional representation throughout the entire country. From one day to the next the popular excitement at the signal of the Labor deputies ceased. M. Van den Peerebom left the ministry with two of his colleagues, and the cabinet which took its place, directed by M. Smet de

Naeyer, presented on the eighth of August in the chamber the project which became the electoral law of December 29, 1899.

It was not without difficulty that the ministry obtained the requisite majority in the chamber. The adversaries of the reform were in fact numerous and resolute on the Right and gave it a terrible battle. They lost less because the proportional representation gained in adherents than because they were unable to devise a system of voting to replace the existing system with which all were discontented. On the Left, the governmental project had an unfortunate result: certain Liberals, convinced proportionalists, believed it to be their duty to vote for the law which established honestly and loyally a reform inscribed upon their program. The Socialists, on the contrary, even the proportionalists, only too glad to see a concentration of the opposition, not only voted against the law, but claimed that the engagements undertaken by the Liberals during the agitation against M. Van den Peereboom, constrained them to do likewise. A small group of Liberals shared these notions, and it was the occasion of most regrettable personal quarrels. As a result, the new law was voted by 65 Catholics and 5 Proportionalists Liberals, against 35 Catholics and 28 Socialists and Liberals.

VII.

Before explaining the workings of the new electoral law it seems advisable to meet certain objections to the principle and application of proportional representation.

The objection is made in the first place that it rests upon the confusion of ideas, that it mistakes the nature of *election*. An election is a *choice*. The electors in their districts choose among the citizens those whom they judge the best equipped for the functions in question. The number of votes obtained has always been regarded everywhere as the *indication* of the wish of the electors to consider one of the candidates as

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the best, as the *elected*. In some cases a plurality of votes is deemed sufficient; in others an absolute majority is required. Proportional representation, therefore, in permitting the election of a candidate who obtains a smaller number of votes than another, mistakes the very nature of the election. It will no longer be, as has been claimed, "just." To all this it is very properly replied that the justice of proportional representation rests not upon the nature of the election, but in the object of the election. This is also a choice, but a choice of *representatives*. It being impossible for the people to decide themselves all the matters which concern them, the people delegate to representatives the functions of deciding in their name. Of necessity, the election should make the parliament the mirror, the photograph, the representation of the body of electors. But is it the case when the majority (the half plus one) of votes obtains all the seats and the minority none? The simplest notions of distributive justice, on the contrary, require the distribution of seats proportional to the groupings of the wishes of the electors, that is to say, parties. If indeed the majority system should always give the majority to the party which has the most votes! But the contrary frequently occurs. Proportionalism, only, assures the preponderance to the party which is numerically strongest, but subjects it to the control or supervision of the minority.

An objection of another kind was developed by the Catholics. Each party believes necessarily that its policy is best, that it is the truth. Each party aspires not only that the truth shall triumph, but that it shall not be continually beaten by its adversaries. Moreover, proportional representation gives to *error* the same rights as to *truth*. It ends in perpetuating error. One recognizes here the habits of thought of persons who believe themselves in possession of the absolute truth, and who in religious matters have established the dogma of the infallibility of the Pope. But is it necessary to refute a doctrine which in political matters at

least is an anachronism and a nonsense? It is the peculiar merit of proportional representation that it rises above this narrow and limited point of view. The only truths which the various parties proclaim are subjective and relative truths, and not absolute verities. Moreover, truth can only gain by being subjected to contradiction and to discussion.

Proportional representation was violently attacked "because it rendered all government impossible." We must understand here "party government." In fact, by giving to each minority its appropriate influence, it only diminishes that of the majority. Sometimes, indeed, it does away with the majority when the majority system would have assured it a preponderance. How can government be carried on in face of strong minorities, always ready to introduce coalitions? Furthermore, the system tends to the minute subdivision of parties. It incites schism in giving a special existence to the various groups, even the smallest. To all this it was replied that proportional representation only gives to each party the exact share of influence which rightfully belongs to it. If it is strong enough to obtain the majority, it will have it much more surely than with the majority régime. If, on the contrary, it does not obtain a majority of the seats, it is because it does not represent the majority of the votes, and in such a case it would be unjust to give it the preponderance. The cohesive force of a party does not depend upon its representation in parliament, but on its internal constitution. Subdivision is produced in all systems of voting when a party has no longer the discipline, or the convictions of its doctrines, or belief in the propriety of the interests which it represents, or the respect for its leaders. Without doubt, under proportional representation the heyday of that party politics which consists in ruling with violence and cynicism, like ignoble victors who crush the vanquished, will have disappeared, but who will regret it. It is a singular thing that those who reproach proportional representation

with subdividing parties, also accuse it of rendering the majorities immutable of "stereotyping" them, as it is said. The fact is that brusque changes will be less to be feared, since the large variations in the number of votes in the majority system are abolished. But is that a reason for believing it to be the death of all political life? The contest will be, on the contrary, more intense for those seats upon which depends the fate of the party in power.

VIII.

The mechanism of the legislative elections in Belgium is naturally somewhat complicated. It is not possible to explain it here in all its details. Thus the greatest complication which arises from the fact that with a view to avoid bye elections (in case of the death of a deputy, for example) the law provides for the election at the same time with the incumbents, of alternate candidates who can only take the place of the former in case of death or resignation. I shall omit all reference to those alternates.

The operations of the election can be divided into the following groups: (1) The preparatory operations; (2) the voting; (3) the distribution of the seats to the different lists; (4) the determination of those elected on each list.

1. In the first place the candidates must be nominated fifteen days in advance of the election. This nomination is made by the signatures of 100 electors accompanying each list of candidates. The sponsors who make out the lists determine the order of preference of their candidates: thus each party is free to determine in advance which are the best of its candidates which it desires to have elected. Numbers are given to each list by lot to determine its order on the ballot. The ballots are then printed at the expense of the public authority, which have at the head of each list and also at the side of the name of each candidate, a black square, in the centre of which there is a white point.

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2. The ballot is given by the presiding officer of the polling-booth to each voter. The latter receives one, two or three identical ballots, according to the rights conferred on him by the law. In each voting place there are a certain number of compartments isolated by wooden screens where the voter blackens with a pencil or with a stamp the white part of the black square.¹ Then he places in the presence of the officers his ballot or ballots in the ballot-box.

The voter can blacken but a single point; either at the head of the list or opposite one of the names. In the first case he votes for the list; that is to say, he adheres to this list and also to the order in which it has been prepared. If that list has eventually the right to one seat, the elector

SAMPLE BALLOT.¹

1	2	3
Colin	Delcampo	Amman
Delval, Jean	Ducange	Dubois
Geirts	Hermand	Verbois
Mabille	Jacques	
Nelson	Linsack	
Nick	Msenhout	
Pepin	Niemand	
Uytendaele		

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thus indicates that this seat shall be given to the first name; if it has two, to the first two, and so on. If he blackens one of the points opposite the name of a candidate, he gives his vote first for the list, in order to determine the "electoral figure," but the elector indicates further that he wishes to modify the order of preference of the list so that if it should have the right to a seat, it should be given to the candidate for whom he has voted.

Why should the elector vote for only one name in the list? It was put in this way to equalize the electoral power of all voters. Under the former régime there was an unjust inequality between the power of the elector in the small district and that in the large district. While with his single vote the elector in Brussels controls eighteen seats, the elector of a small town controls but one. It was desired to abolish this anomaly, and at the same time it was said to the adherents of the single vote system: "The new law should satisfy you. It establishes in fact the single vote, but instead of a physical division of the district, there is an ideal division into as many electoral districts as there are seats to be conferred." At the same time it satisfied the needs of proportional representation. It should be said, however, that this limitation of a vote to a single name is not a condition of proportional representation.

3. The vote being completed, it is necessary to determine the electoral figure for each list. This figure is obtained by adding all the ballots bearing a vote in each list either at the head or subsequently. This figure indicates the electoral force of each party, because it comprises all the votes for the list as given, as well as those which approve the list but seek to modify the order. The question then arises to divide the seats proportionally to this electoral figure. It is here, properly speaking, that proportional representation is realized. The rule adopted by the Belgian law, among many other systems which have had their adherents, is that of M. d'Hondt, also called that of the Common

Divisor. The electoral figure of each of the lists is divided successively by one, two, three, four, five, etc., and the quotients are arranged in the order of their importance until a number of quotients is obtained equal to that of the numbers to be elected. The last quotient is the electoral divisor. The distribution among the lists is effected by giving to each as many seats as its electoral figure contains this divisor.

Suppose, for example, three lists whose electoral figures are as follows: Catholics, 24,000 votes; Liberals, 12,824 votes, and Socialists, 15,000 votes. We then have:

	Catholics.	Liberals.	Socialists.
Division by one . . .	24,000	12,824	15,000
Division by two . . .	12,000	6,412	7,500
Division by three . . .	8,000	4,274	5,000
Division by four . . .	6,000	3,206	3,725

Suppose that there are seven seats to be distributed. The quotients will be arranged in the following order: (1) 24,000 Catholic, (2) 15,000 Socialist, (3) 12,824 Liberal, (4) 12,000 Catholic, (5) 8,000 Catholic, (6) 7,500 Socialist, (7) 6,412 Liberal. This last quotient is the electoral divisor which is contained three times in the electoral figure of the Catholic list, and twice in that of each of the other lists.

Such is the method employed. It is not here the place to discuss its merits. It is sufficient to say that it has met the test of experience for four years in our communal elections, and that it has shown itself at once practical, simple, and sufficiently just. It is certainly superior to the system of forced fractions which was employed at one time in Switzerland. If a list contains more seats than it has candidates, the seats not distributed are added to those coming from the other lists.

4. Knowing the number of seats to be given to each list, it remains to determine among the candidates who shall

have the right to occupy them. When the number of candidates of a list is equal to that of the seats to which it is entitled, the candidates are all elected. If the number of candidates is larger, the seats are given to the candidates who have obtained the greatest number of votes. To obtain this number, as many list votes are assigned to the first name as will insure it the electoral divisor, the list votes remaining are assigned to the second, third and fourth following names until they are exhausted. When this process is completed, the names having the largest number of votes are selected.¹ Should the number of candidates be too small, the alternate candidates can take the places of the regular candidates who are missing.

IX.

Such is the history of the political struggles which have led in Belgium to the introduction of proportional representation. Though they concern only the electoral mechanism, it is certain that this reform is of the nature to profoundly modify, from the top to the bottom, our political system and the attitude of all our parties. Experience which will only begin with the present month (May, 1900) can only show whether the reform will open, as many hope, a new era of calm and sane politics in which the parliamentary régime will be originated.

In any case I think that the electoral reform will begin by strengthening the government majority, and that for a time the length of which no one can measure. The authors of the reform have labored, no doubt, not only for the good of Belgium, but for the good of their party.

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¹ Suppose the electoral divisor to be 10,000, and that a given party entitled to 4 seats has received 20,000 list votes and individual votes as follows: A, 4,000, B, 3,000, C, 4,000, D, 5,000, and E, 10,000. A's vote is brought up by distributing the list votes to 10,000, B also has 10,000. A having received 6,000, and B 7,000, there are 7,000 remaining sufficient to bring C's vote to 10,000, and leave 1,000 for D. The vote race stands—A, 10,000, B, 10,000, C, 10,000, D, 6,000, and E, 10,000. In this case D fails of election and the seats are given to the other four candidates.

REPRESENTATION IN THE LEGISLATURES OF THE NORTH CENTRAL STATES.

For the grouping of states adopted in this paper the readiest justification is to be found in the fact that they form one compact and comparatively homogeneous section. But other and weightier considerations confirm the propriety of the choice which has been made.

In the first place, these states all belong to the middle period of our constitutional development. It is true that in the interval between the admission of the first and of the last to the Union two generations passed away. Nevertheless, when Kentucky entered the Union, the "critical period" was already at an end, the federal government was in working order, and her sister commonwealths could furnish her, not paper constitutions merely, but the record of many years in the practical carrying on of government. At the other extreme, Nebraska, the youngest of these states, entered upon statehood at the close of the civil war, a full generation ago, long before the days of "omnibus" constitutions like those of her younger neighbors. While it is true that much of the law in regard to representation has been modified at irregular intervals by constitutional amendments, still the changes have been slight. These states have had to undergo no violent reconstruction, nor have they caught the radicalism of some of the younger commonwealths.

An added interest attaches to this grouping from the familiar fact that the settlement of the Mississippi basin has proceeded along parallels of latitude. The systems of representation introduced in the North Central states were the institutions which the sons of New England and of her neighbors found suited to their political life in the midst of a new environment; the modifications are those which new

occasions have taught men whose schooling in government had been upon the Atlantic seaboard.

I.

Who are represented? or rather, who may vote in the choice of legislators?

Although the suffrage law of these states is for the most part conservative, an occasional provision bespeaks the earlier frontier environment. Five have been so eager to attract settlers who should develop the country that they have granted the voter's privilege to an alien after he has resided in the state a few months and has declared his intention to become a citizen.¹ The tendency in the more recently revised constitutions of the older states is to take the ground insisted upon by a sound political science, viz.: that completed citizenship of the United States should be a condition precedent to the grant of the suffrage.² Wisconsin, however, in an amendment so late as 1882, still retains this over-enthusiastic welcome to immigrants, with the result that in forty-one out of the seventy-one counties a considerable majority of the voters are of foreign birth.³ Another reminder of the frontier environment in which some of these constitutions were framed is to be found in the specific provisions which have been made in regard to Indian citizenship and suffrage. Michigan and Wisconsin grant a vote to Indians not in the tribal relation; Minnesota admits to the suffrage persons of mixed white and Indian blood, who have adopted the customs and habits of civilization, and also pure-blooded Indians who, upon examination before any district court of the state, shall prove that they have adopted the language, habits and customs of civilization, and shall be

¹ Indiana, Wisconsin, Missouri, Kansas, and Nebraska. Missouri, however encourages the completion of naturalization by insisting that the declaration of intention must have been made not less than one nor more than five years before the alien offers to vote.

² E. g. Illinois, 1870; Michigan, 1894; Minnesota, 1896.

³ See Table, Wisconsin Manual, 1899, p. 394.

pronounced by the court capable of enjoying the rights of citizenship within the state.¹ There are, of course, the usual disqualifications of persons under guardianship or convicted of crime; many of the states specifically remove the disqualification in case of pardon or "restoration to civil rights." Bribery and the embezzling of public funds are sometimes singled out as special disqualifications. Indiana disqualifies United States soldiers, sailors and marines. Michigan shuts out all duelists and their accessories, while Kansas, in clauses which recall the troublous times which saw the birth of her constitution, disqualifies rebels not restored to citizenship and men dishonorably discharged from the United States service.

II.

What is the basis of representation ?

A glance at the diverse ratios of senate to house membership in the legislatures of the North Atlantic states in but few instances suggests any theorizing on the part of the constitution-makers as to the normal size of legislative bodies, or as to the relative numbers in the two chambers. In most of those states, towns and counties had had a corporate existence before the constitutions were framed, and hence seemed entitled to recognition as separate political units. But when once the Alleghanies are passed, the restriction imposed by ante-constitutional conditions disappear; it is recognized that every local unit is not merely subject to, but is also the creature of the state constitution. The membership column in the accompanying table shows that in these states, with but few exceptions, theory and the spell of round numbers have been at work, asserting some normal limit to the membership in each house, and some normal ratio between the two.

¹ Const. Art. vii, Sec. 1. The number of Indians and half-breeds entitled to vote is computed at 1342. *Minnesota Manual*, 1899, p. 548.

Between the numbers of the two houses the favorite ratio is that of one to three. Missouri alone adopts a smaller one; in Indiana and Iowa the legislatures are of exactly the same numbers, and there are twice as many representatives as senators. Minnesota gives herself the largest senate of any state in the Union both absolutely and relatively to the membership of the lower house.

Nearly all of the constitutions fix the number of the members in each house, either by hard and fast limits, or by establishing maxima, which in every instance have been already reached. In six of the states the maximum for the house is 100, while in the others the range is only from 99 to 153.

In most instances it is insisted that senators shall be chosen from single-member districts, regardless of county lines so far as is practicable in securing districts of approximately equal population within a compact and contiguous territory. Three states require that no county shall be divided in the formation of senatorial districts with the result that in their most populous counties several senators are chosen on a general ticket.¹ In Ohio the constitution fixes the senatorial ratio as one thirty-fifth of the population of the state, and forthwith establishes for all time the bounds of thirty-three senatorial districts; a highly artificial and complicated method is then prescribed for allotting additional members;² as a result in the legislature of 1899 there were thirty-six senators. With these rare and uninteresting exceptions the rule holds true, that in all twelve of the states each senator sits for his own private bailiwick.

In the lower houses there is less of this dreary but intelligible monotony in representation; each state has devised a system of its own. Still there is a marked tendency toward narrowing the constituency as much as possible. Wisconsin and Kentucky expressly require that the members shall

¹ Indiana, Iowa and Nebraska.

² Constitution, Article XI.

be chosen one from each district. In practice five other states approach this system closely, although not avowing it frankly in their constitutions. Thus the Kansas constitution of forty years ago guarantees a member to each county which casts a vote of 250, and makes provision for the representation of smaller counties; but according to recent legislation the state is now divided into 125 districts, each of which elects one representative.¹ Next in order of simplicity stands Iowa, whose 100 members are chosen from ninety-one districts. Four districts include two counties, and one district includes three; with these exceptions counties and districts are coincident. Michigan accepts the principle of choice by single districts; townships or cities, however, whose population entitles them to more than one representative, are not divided but make their choice by general ticket. Three members are secured to the Upper Peninsula, and special concessions are made to certain counties. Accordingly in the election of 1898 each of eighty-five districts chose a single member, while three others chose two, three, and ten, respectively.

In both Ohio and Missouri the first step in a reapportionment is to get a ratio of representation by dividing the population of the state by a round number which bears no close relation to the number actually to be chosen.² Ohio allots one member to every county having one-half of this ratio, and then assigns additional members to the more populous counties according to a complicated schedule. What results is virtually county representation. In the legislature of 1899 five representatives came from districts each comprising two counties, while sixty-eight counties sent one member each; in only ten counties was a larger number elected.³ In Missouri one representative is given to every county containing one ratio or less; additional members are allotted

¹ General Statutes, 1897, Vol. i, p. 144.

² 100 in Ohio; 200 in Missouri.

³ Seven elected two each; one, three; one, nine; and one, ten.

according to a diminishing schedule. Large counties are divided into single-member districts which shall choose one of their own residents as representative; counties entitled to ten or more, however, must be divided into larger districts, each choosing from two to four members. This is virtually special legislation, for it applies only to St. Louis. The result is that 108 counties send each one member; four send two each; one, three; one, six, while the city of St. Louis sends fifteen.

Nebraska's constitution simply provides that after each enumeration the legislature shall apportion the representatives according to the number of inhabitants; on the basis of the census of 1895, the 100 representatives are distributed among sixty-seven districts, thirty-seven of which are individual counties. Forty-six of these districts send one member each; seventeen, two; two, three; one, five; and one, nine. In Indiana after the state census in every sixth year the representatives must be apportioned among the several counties according to the number of male inhabitants. Accordingly fifty-one counties elect one representative each; seven elect two each; one, three; and one, seven. Contiguous counties having a surplus over the ratio are combined and from them a joint representative is selected; as many as five counties are sometimes brought together in this way; in the legislature of 1899 exactly a fourth of the membership were such joint representatives.

Illinois and Minnesota introduce an instructive novelty in making a single apportionment serve for the members of both houses of the legislature. Minnesota is the less systematic; comparatively little attempt seems to be made to secure proportionality to population in her sixty-three districts to each of which is allotted one senator. The compensation comes here, as in Congress, in the lower house, whose members are apportioned among the several districts in numbers varying from one to four. The Illinois practice is simpler. The state is divided into fifty-one senatorial dis-

tricts of as nearly the same population as practicable. From each of these same districts there are elected three representatives.

III.

How are the Legislatures elected?

In contrast with the North Atlantic states those now under discussion have reached uniformity upon many points. In all of them both the elections and the regular sessions of the legislature are biennial, although Ohio's "adjourned sessions" practically amount to annual meetings. In all of these states except four¹ the senator's term is four years, and in all these states having the longer senatorial term except Minnesota and Kansas the renewal of the senate is gradual, one-half going out of office every two years.²

In five of the states there is no limit upon the length of the session.³ Three fix a definite limit in the constitution.⁴ The other four limit the sessions indirectly through shutting off the pay. Thus, however long Kansas legislators may loiter over their work, they get wages for only thirty days in a regular, and eighteen in a special session. Missouri draws the line at seventy days, but mercifully allows her legislators one dollar a day until the end of their sitting, if they choose to transgress this limit. Nebraska pays for sixty days in the regular session, but for not more than one hundred days in the entire term. Moreover, she insists that no curtailed performance shall be palmed off on her: an amendment of 1885 requires that "each regular session shall

¹ Ohio, Michigan, Nebraska and Tennessee.

² In the Minnesota Constitution (Art. iv, Sec. 24) gradual renewal was provided for until the apportionment year. As to what should be the permanent rule, the wording of the constitution was unfortunately ambiguous. In accordance with the opinion of the attorney general (August 11, 1892), the entire membership of the Senate is now renewed every four years.

³ Ohio, Illinois, Michigan, Wisconsin and Iowa.

⁴ Indiana, sixty-one days; Minnesota, ninety legislative days; Kentucky, sixty days excluding Sundays and holidays.

be *not less* than sixty days." Other states have not found it necessary to impose constitutional checks upon their legislators going home too early.

The practically universal choice of senators from single districts makes their election simply the determining which of several candidates shall win the one available seat. Indeed, in the elections which constituted the senates of 1899 it would seem to be the fact that in all eleven of the states there were but seven¹ instances in which a given constituency had more than one senator to elect. In all but one of these the result was a solid delegation for the victorious party.

In the lower house, too, the marked tendency toward election by single-member districts robs the process of any especial interest. Several points, however, demand attention. In the first place, it is to be noted that the reluctance to divide a county in forming a representative district thrusts into a state eighty per cent. of whose representatives are chosen singly, the anomaly of one district choosing ten members on a general ticket.² It may be questioned whether this is not over-straining a general ticket, and whether Missouri's provision as to the division of populous counties into large districts for the election of several members might not well be followed elsewhere. Indiana's method of choosing joint representatives from adjoining counties having fractional surpluses over the ratio has much to commend it; the field from which candidates are chosen is broadened, and the joint representative is in a position to look at questions from the general rather than from the purely local standpoint.

But by far the most interesting feature in the electoral system of these states is the introduction of cumulative, or

¹ Five districts in Ohio, and one county each in Indiana and Nebraska.

² In Michigan, District 1, of Kent County, chose three; District 1, of Saginaw County, two; District 1, of Wayne County, ten. The first and last were solid delegations. Occasional use of the general ticket had to be made in Ohio, Indiana, Missouri, Nebraska, and Tennessee.

"free" voting in Illinois. Here, as has been said, a single apportionment affords the basis for elections to both houses. In each of the fifty-one districts the constitution of 1870 provides that "each voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates as he shall see fit, and the candidates highest in votes shall be declared elected."¹ Although this was much of a novelty in American political methods, its workings are very simple. How cumulative voting affects both the choice of candidates and the resulting party representation will be the subject of later discussion.

In both the amount and the manner of payment the practice of the states varies. Four pay salaries, ranging from \$500 to \$1,000, for the regular session; the others pay day wages, Michigan and Kansas rating their legislators' services at \$3.00 a day, while Indiana pays \$6.00. All the states pay a mileage, ranging from ten to fifteen cents, and usually expressly limited to the distance the members shall "travel in going to and returning from the place of meeting of the legislature, on the most usual route." The Michigan constitution warrants an additional daily allowance of not more than two dollars to the members from the Upper Peninsula.² All other perquisites are expressly prohibited in Ohio, Indiana, Wisconsin and Nebraska. Four states on the other hand make an allowance of from five to fifty

¹ Constitution, Art. iv, Secs. 7-8. Ratified separately July, 1870.

² Compensation of Legislators:—

Ohio,	for the session	.....	\$600.00,	Mileage, 12c.
Illinois,	"	.....	1,000.00,	" 10c.
Wisconsin,	"	.....	500.00,	" 10c.
Iowa,	"	.....	550.00,	"
Indiana,	per diem	.....	6.00,	" 10c.
Michigan,	"	.....	3.00,	" 10c.
Minnesota,	"	.....	5.00,	" 15c.
Missouri,	"	.....	5.00,	"
Kansas,	"	.....	3.00,	" 15c.
Nebraska,	"	.....	5.00,	" 10c.
Kentucky,	"	.....	5.00,	" 15c.

PERSONNEL OF STATE LEGISLATURES.

PERCENTAGES BASED ON TOTAL NUMBER REPORTED.																						
STATE.	CHAMBER.	Number of Mem- bers.	Average Age.	BIRTH-PLACE.							EDUCATION.			OCCUPATION.					POLITICS.			
				Own State.			Neigh- boring States.		Other States.		Foreign.		Colleg. State.	Acad- emic.	Farm- ers.	Law- yers.	Mercan- tile.	Manufac- turing.	Previous Leg- islative Ex- perience.	Republ- ican.	Demo- crat.	Minority Parties.
Ohio.....	Senate	36	48.2	71.4	8.6	17.1	2.9	23.3	56.6	11.1	47.2	0.0	0.3	1.9	33.9	56.9	50.0	0.0	0.0	0.0		
	House of Rep.....	111	44.2	77.3	7.5	7.5	7.5	19.2	50.5	26.2	28.2	9.7	1.9	1.9	33.9	56.9	43.1	0.0	0.0	0.0		
Indiana	Senate	50	43.2	70.0	14.0	10.0	6.0	30.6	49.0	8.0	50.0	10.0	6.0	6.0	9.0	58.0	42.0	0.0	0.0	0.0		
	House of Rep.....	100	43.9	65.2	24.2	5.3	5.3	16.0	40.0	35.5	27.9	6.5	6.5	6.5	50.0	61.0	39.0	0.0	0.0	0.0		
Illinois.....	Senate	51	46.2	58.8	7.9	19.6	13.7	24.5	52.3	27.4	34.9	9.8	1.9	4.7	42.9	68.3	31.4	2.0	0.0	0.0		
	House of Rep.....	133	44.6	48.3	6.6	24.2	20.9	14.9	43.9	23.5	26.1	17.0	2.6	2.6	36.6	52.9	46.4	0.7	0.0	0.0		
Michigan	Senate	32	45.1	46.9	6.2	34.4	12.5	18.7	34.4	28.1	28.1	3.1	3.1	3.1	31.2	84.4	15.6	0.0	0.0	0.0		
	House of Rep.....	100	45.4	43.0	11.0	22.0	24.0	18.9	29.5	44.0	19.0	9.0	10.0	10.0	27.0	92.0	8.0	0.0	0.0	0.0		
Wisconsin.....	Senate	33	46.3	42.4	9.1	42.4	6.1	34.4	43.7	12.1	27.3	21.2	9.1	9.1	39.3	93.9	6.1	0.0	0.0	0.0		
	Assembly.....	100	46.6	51.0	2.0	26.0	21.0	16.5	38.2	32.0	14.0	16.0	9.0	9.0	24.0	81.0	19.0	0.0	0.0	0.0		
Minnesota	Senate	63	44.3	23.8	19.0	46.0	11.1	.....	.....	6.8	44.4	17.4	4.7	4.7	42.9	68.3	27.0	4.7	0.0	0.0
	House of Rep.....	119	44.9	11.0	10.1	39.0	39.8	.....	.....	36.1	16.8	23.5	0.8	0.8	35.2	77.3	10.1	12.6	0.0	0.0
Iowa	Senate	50	49.0	26.0	18.0	46.0	10.0	.....	.....	12.0	50.0	14.0	0.0	0.0	80.0	76.0	24.0	0.0	0.0	0.0
	House of Rep.....	100	45.9	25.0	16.0	48.0	11.0	.....	.....	41.0	14.0	12.0	2.0	2.0	38.0	61.0	32.0	7.0	0.0	0.0
Missouri	Senate	34	45.0	52.9	14.7	26.5	5.9	23.5	38.2	20.6	52.9	11.7	2.9	2.9	33.5	26.5	73.5	0.0	0.0	0.0		
	House of Rep.....	140	41.3	47.5	25.9	21.6	5.0	23.7	28.1	38.6	29.3	8.6	0.7	0.7	40.0	41.4	57.1	1.4	0.0	0.0		
Kansas.....	Senate	40	47.2	0.0	5.0	92.5	2.5	.....	.....	64.1	15.4	5.1	2.6	2.6	40.0	30.0	5.0	165.0	0.0	0.0
	House of Rep.....	125	43.9	7.3	4.0	81.4	7.3	.....	.....	45.9	19.3	12.1	1.6	1.6	20.9	74.2	0.0	125.8	0.0	0.0
Nebraska	Senate	33	47.9	9.4	6.2	68.8	15.6	.....	.....	39.4	24.2	18.2	0.0	0.0	27.3	63.6	0.0	156.4	0.0	0.0
	House of Rep.....	100	45.9	6.0	66.0	22.0	.....	.....	.....	57.6	13.1	10.1	5.1	5.1	21.0	54.0	0.0	146.0	0.0	0.0
Kentucky	Senate	38	26.9	68.4	2.6	0.0	0.0		
	House of Rep.....	100	26.0	73.0	1.0	0.0	0.0		

1 Fulton.

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dollars for each member's postage, stationery and newspapers.¹

IV.

Who are the Legislators ?

The first step toward the answering of this question may be taken by noting the qualification which the constitutions exact of members. It may be taken for granted, even where not expressly stated, that the ordinary qualifications for electors must be possessed also by those who are to be given office. Wisconsin, Kansas and Nebraska still allow an alien to make laws for citizens. Indiana and Missouri, on the other hand, although granting the suffrage upon the declaration of the voter's intention to become a citizen, insist that all members of the legislature shall have completed their citizenship before entering upon their office.

Three states require that their senators shall have reached the age of thirty;² three fix the limit at twenty-five.³ Missouri and Kentucky make twenty-four the minimum age of representatives. In all other instances, both in house and in senate, twenty-one is accepted.

Michigan and Kansas make no special qualification of previous residence. Every other state requires of senators a previous residence within the state of from one to six years, Kentucky being the most conservative. With but two exceptions this qualification is uniform in each state for the members of both houses. Kentucky lowers the limit from six to two years for members of the lower house; Missouri, from three to two. With the exception of Wisconsin these states require that the legislator shall have been resident in his district immediately previous to his

¹ Illinois, \$50. Michigan, \$5. Kansas, stationery, and \$10 for postage. Missouri, \$30.

² Missouri, Kentucky and Tennessee.

³ Indiana, Illinois and Iowa.

election for a term varying from sixty days in Iowa to two years in Illinois, the prevalent term being one year. Missouri's insistence that during that time the would-be legislator shall have paid a state and county tax is the one approach to a property qualification. Persons holding any other office of trust or profit under the state or national governments are everywhere disqualified. In a few instances removal from the district during service is stated to be tantamount to vacating the seat. Bribery and other corrupt practices are singled out for especial condemnation. Failure to account for public funds is listed by several states, and Nebraska disqualifies anyone "interested in a contract with, or having an unadjusted claim against the state." In the Kentucky oath of office aside from the pledge of loyalty to the constitution, and the faithful performance of official duties, the legislator swears that he has never taken part in a duel, nor in any way given aid or encouragement to duelists. Four other states have deemed a similar provision necessary.¹

But no lengthening of the lists of constitutional qualifications will give much notion of the real personnel of legislatures, for we are concerned not with the thousands who possess all these qualifications, but with the tens who actually secure an election. This sorting out of the few from the many depends upon the interplay of a vast number of political forces, often peculiar to the locality, and the result can be conclusively estimated only after close personal contact with and observation of the various legislatures. Yet the several state manuals present material for some interesting comparisons. The average age of legislators seems to be much the same, the country over. In general the upper house maintains its appropriate seniority by a few years, but the difference is nowhere marked, and in several instances the order is reversed. On the whole, legislative service is devolved on men of ripe years; even Nebraska

¹ Indiana, Iowa, Kansas and Tennessee.

shows little tendency to entrust her own law-making to boy orators.¹

In the nativity of members the legislatures now under discussion present striking contrasts to those of the North Atlantic states, and indeed the contrasts are hardly less remarkable between the states of the present group. Ohio is even more conservative than Massachusetts in committing law-making to her own sons. In the Kansas legislature, on the other hand, only nine per cent of the representatives and not one of the senators can claim Kansas as his native state. The proportion of those who come from neighboring states is surprisingly small, especially in comparison with those born in remoter parts of the Union. That the settlement of the West has been by zones, and that the settlers have come, not from the adjoining states, but from those two or three removed to the eastward, are familiar facts to which the biographies of these legislators bear striking witness. Far in the lead of the other states in furnishing law-makers to her neighbors stands Ohio, followed at a goodly distance by New York. This ascendancy might raise the question whether the Ohioans are exceptionally migratory, or whether they are more clever politicians than others.

In but two of the legislative chambers of the North Atlantic states does the percentage of the foreign-born exceed eight, while that of those native to the given state never falls below sixty-one. In the present group these proportions are greatly changed. Strong contrasts in this regard are presented even between adjoining states of similar history, as between Kansas and Nebraska, in the former of which the representation of the foreign-born is inconsiderable. But it is in Michigan, Wisconsin, and above all in Minnesota that the immigrant has come to his own, and his own have sent him to the legislature. To what an extent European nationalities have colonized among us is evidenced

¹ Of the seventy-one whose ages were recorded only six of the Nebraska representatives were less than thirty-five years of age.

by the fact that in a state admitted to the Union nearly half a century ago forty per cent. of the representatives should be of foreign birth, Norway alone having sent her more lawmakers than those born within her own borders.¹

As regards education a thorough-going comparison is impossible. The fact that all but one of these commonwealths maintains as the crown of its public school system a state university, in which education entails little direct cost upon a young man or his parents, makes the situation quite different from that in the states east of the Alleghanies. Several states of this group are proverbial for their profuse supply of "colleges." It is, however, a familiar paradox that the community most liberally provided with colleges is not necessarily the one most richly served by them. Heterogeneous as the data concerning education are, the attempt has been made to adhere as closely as possible to a uniform system of classification in all the states.² In general, the senates contain the larger proportion of men of college training; the percentages in Wisconsin and in Ohio are on the whole the most remarkable.

In the callings of senators and of representatives there is less of variety, or, rather, less of evenness of distribution than in the eastern states. In but one of the chambers does one member in ten come from the manufacturing class. Mercantile pursuits have furnished a much larger proportion; yet out of the twenty-four legislative bodies it is only in two that it rises as high as one in five, whereas in nine of the North Atlantic states this proportion is exceeded in one house or the other, often in both.³ It is from the ranks of farmers and lawyers that the legislators are mainly recruited,—indeed, with the exception of Wisconsin, there is

¹ Of the Minnesota representatives thirteen were born in that state, fourteen in Norway, eight in Sweden, eight in Germany, and nine in Canada. In Michigan's quota of foreign-born legislators the largest element comes from Canada; in Wisconsin's, from Germany and the United Kingdom.

² For a discussion of the available educational data, and of their classification, see *ANNALS*, March, 1900, p. 78.

³ Exceeded in fourteen out of the twenty-two.

no legislature in which these two callings do not furnish considerable more than half the members. With the exception of Illinois and Kansas,¹ the farmers are far stronger in the house than in the senate, while in the upper house as a rule the lawyers outvote the farmers, sometimes seven to one, as in Minnesota. In the Ohio legislature it is remarkable that more than a third of the representatives at some stage in their career have been school teachers. In several states bankers seem to be favorite candidates; in Iowa they constituted twelve per cent. of the senate and eleven per cent. of the house, proportions far larger than the writer has yet observed in any eastern state.

The senate usually draws to itself the greater proportion of men of legislative experience. In the Iowa senate of 1898 four out of five of the members had seen previous service. While even in this instance the proportion is not so high as in several North Atlantic states, it is interesting to observe that the lower house holds its own in this matter of legislative experience far better than in the East. The Indiana and Missouri figures present unaccountable variations from the normal in this matter. On the whole, Kansas and Nebraska seem to have the least regard for seasoned legislative timber.²

But the mere possession of exceptional aptitudes for legislative work by no means makes it likely that a man will therefore find his way into the legislature. He must first have proved himself an available candidate. The biographical sketches afford an occasional hint as to things that may have made for availability. Not without significance is the large number of war veterans who have seats in the legisla-

¹ The reversal in the Kansas legislature of the proportions prevalent elsewhere is doubtless due to the fact that the election of 1898, which constituted the house, proved disastrous to the Populist party; as the senate's term is four years, only four senators were to be chosen, to fill vacancies. The data in the senate column, therefore, for the most part reflect political conditions and party preferences of two years earlier than the data in the house column.

² Kansas, however, has one representative who has served for eight successive terms. Ohio and Iowa have each a man with a record of eighteen years.

tures. They constitute 23 per cent. of the Kansas legislature; in the Missouri legislature 14 per cent. of the members had been in the active service of the Union, while 6 per cent. were Confederate veterans. The long lists of orders appended to the names of many of the members suggests that here, too, may be found evidence of a *clientèle* which has proved serviceable to many an aspirant for office. Thus in the Illinois house two out of every three members belong to some secret order, and two out of every five are Masons. These proportions are probably not exceptional.

V.

To what extent does each state's system of representation make the political complexion of the legislature vary from that of the body of the voters?

So many varying forces are here involved that no precise answer to our question is possible. Yet the loyalty with which the great majority of voters cast the straight ticket of the party, no matter what office is to be filled, makes it possible to institute some suggestive comparisons. The accompanying table presents the percentages of the aggregate vote cast for each party's candidate for the highest state officer chosen in 1898, and the proportionate influence which each party secured in the legislature chosen at the same time. At the best this test is somewhat misleading,¹ and for several reasons it is less satisfactory in dealing with the present group than in the case of the states last under discussion. In the first place, in only half of the states was a governor chosen; in the other instances the vote for some other state officer has to serve for our comparison.² Again, only four

¹ Some of the qualifications which must be made in drawing conclusions from such a comparison as discussed in ANNALS, March, 1900, p. 82.

² Governor, in Michigan, Wisconsin, Minnesota, Kansas and Nebraska. Secretary of State, in Ohio, Indiana and Iowa. State Treasurer in Illinois. Judge of Supreme Court in Missouri. Clerk of Court of Appeals in Kentucky. Were not the election of the highest officer on the ticket always made a test of party strength, this variety would be fatal to our comparison. In the present condition of state politics, however, it is practically immaterial.

of the senates were entirely renewed in 1898; in seven, one-half of the senators were newly chosen, while in Kansas but four vacancies were filled. Hence the comparison of party strength in the two houses becomes less conclusive. Finally, party lines especially in Kansas and Nebraska in recent years have been so blurred that the official manuals either use party designations inconsistently in the lists of candidates or else omit them altogether. Yet although the data in the table can be accepted only as a rough approximation to the answer to our query, they have not a little significance.

Party Votes Compared with Party Representation.

SENATE.	PARTY.	Percent- age of Vote for State Official.	Party Representa- tion in Senate.	Party Representa- tion in House.
Ohio	Republican	52.4	50.0	56.9
	Democrat	44.5	50.0	43.1
	Prohibition	1.0		
	Socialist Labor	0.7		
	Union Reform	1.4		
Indiana	Republican	49.9	58.0	61.0
	Democrat	46.9	42.0	39.0
	Prohibition	1.7		
	People's	1.2		
	Socialist	0.3		
Illinois	Republican	51.1	66.6	52.9
	Democrat	46.2	31.4	46.4
	Prohibition	1.3		0.7
	People's	0.9	2.0	
	Socialist	0.5		
Michigan	Republican	57.8	84.4	92.0
	Democrat	39.9	15.6	8.0
	Prohibition	1.6		
	People's	0.4		
	Socialist Labor	0.3		
Wisconsin	Republican	52.6	93.9	81.0
	Democrat	41.1	6.1	19.0
	Prohibition	2.4		
	People's	2.6		
	Socialist Democrat	0.8		
	Socialist Labor	0.4		
	Scattering	0.1		

STATE.	PARTY.	Percentage of Vote for State Official.	Party Representation in Senate.	Party Representation in House.
Minnesota . .	Republican	44.3	68.3	77.3
	Democrat-Populist . .	52.3	27.0	15.1
	Prohibition	2.1		
	Socialist Labor	0.6	1.6	0.8
	Mid. Road Populist . .	0.7	3.2	6.7
Iowa	Republican	56.1	76.0	61.0
	Democrat	41.0	24.0	32.0
	Prohibition	1.8		
	People's Party	0.8	. . . .	3.0
	Socialist Labor	0.3	. . . .	4.0
Missouri	Republican	45.9	26.5	41.4
	Democrat	51.3	73.5	57.1
	Prohibition	0.5		
	People's Party	1.8		1.4
	Socialist Democrat . .	0.3		
	Socialist Labor	0.2		
Kansas	Republican	51.8	30.0	74.2
	Fusion	46.6	65.0	25.8
	Prohibition	1.4		
	Socialist	0.2		
	Democrat		5.0	
Nebraska	Republican	48.8	63.6	54.0
	Democrat (Fusion) . .	50.2	36.4	46.0
	Prohibition	0.9		
	Socialist Labor	0.1		
Kentucky	Republican	45.4	28.9	26.0
	Democrat	50.2	68.4	73.0
	Sound Money Democrat	2.6		
	Populist	1.9	2.6	1.0

The wide variations are in many instances to be accounted for by the rigid adherence to the one-member districts. The only state which has attempted to secure some degree of proportionality in representation is Illinois, where for thirty years the cumulative vote has been in practical operation in the election of members of the lower house. Whether this or any form of proportional representation is desirable or not, is a debatable question. That it is here effective in

giving a voice to the minority is evident from the fact that in the house elected in 1898 the delegation from every one of the fifty-one districts stood 2:1. In but four districts is there any possibility that the minority, owing to their opponents having "plumped" too heavily on the more popular candidate, have been enabled to elect two out of the three representatives.¹ How much more accurately this method of voting makes the legislature reflect the views of the electors than does the ordinary method may be seen by comparing the house figures with those for the senate, all of whose members were elected on the same day by majority vote in single districts.

VI.

To what extent is the representative system elastic?

No section of the United States is more lavishly endowed by nature, none is more rich in opportunity than the North Central States. Ten years ago they contained more than a third of the total population of the country, and, except in the newer West, nowhere else is the rate of increase so rapid.² Yet the redistribution of population is a no less striking phenomenon here than in the East. It is the urban population that makes the strides; the rural communities are falling behind, not relatively merely, but absolutely.³ Hence the representation which suits one time is speedily outgrown, and readjustment becomes necessary if political equity is to

¹ These are Districts 6, 9, 40 and 49. In two the Democrats won; in two, the Republicans, so that accidents were equally divided.

² U. S. Census, 1890, Population, Part 1, p. xiii, and p. 2.

³ "The Doom of the Small Town," H. G. Fletcher, *Forum*, April, 1895. Excluding Cook County, Illinois, and counties whose boundaries had been so changed as to make comparison impossible, it is shown that although the states (Ohio, Indiana, Illinois, Michigan and Iowa) were gaining in population at rates varying from 10 to 24.3 per cent. in the previous decade, of the townships 144 were stationary, 3,003 gained while 3,144 lost. Figures in regard to each state are there presented which fully substantiate the above statement.

be realized. The easiest way in which to effect a readjustment, of course, is to grant additional members to the communities which have gained in population. But the constitution of every one of these states bears witness to a conviction that as legislative bodies grow larger there comes a point beyond which there is a diminishing return in legislative efficiency. Under the spell of round numbers limits have been set, sometimes far in advance of the membership at the time of the framing of the constitution; in every instance, however, the tide of democracy has already brought the actual representation up to these maxima. Reliance is therefore placed upon frequent reapportionments. In every state they occur not less often than once in a decade; in five, they are made every five years; in Indiana, every sixth year; the more frequent apportionments are found in the younger states.

Throughout this section it is so clearly recognized that the county, the township, the municipality are all not only subsequent to the state, but also the creatures of the state, that party spirit has found in history no cloak for an attempt to perpetuate a rotten borough system, as in Vermont and Connecticut. Although several constitutions provide that no county shall be divided in the formation of districts, there is little prejudice against allotting additional representatives to the most populous, while sparsely settled counties are combined into single districts with the greatest freedom. Rigid adherence to election from single districts in Wisconsin, Kentucky and Kansas undoubtedly gives a somewhat disproportionate influence to the smaller communities. In minimizing the evils of the single-member system Indiana's joint representation gives excellent results.

No one of the states has sought to curb the increasing power of cities directly, by fixing a limit upon the number of legislators whom they may elect, as is done in New York and Rhode Island. Whatever check is applied to the growth of city influence comes from the use of the diminishing

ratio, which has been introduced in three states. In Ohio¹ and Michigan² its effect is not very marked; in Missouri,³ on the other hand, the influence of the state's one great city is held very sharply in check.

In contrast with the legislatures of the parent states, those of the present group present law-making bodies whose size has been fixed according to theoretical notions. The influence of cities in the representative body has as yet rarely been put under appreciable restraint. In the personnel of their legislatures most of these states have relied to a surprisingly large extent on others than their own sons, choosing farmers and lawyers by preference, and paying such devotion to rotation in office that little legislative experience is secured. In the apportionment of members no prescriptive right to a fixed representation is recognized as inhering in any local unit, but the attempt is made at frequent intervals to readjust district lines in such a way as to bring about substantial proportionality to population.

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¹ Constitution of Ohio, Art. xi, Secs. 1-5: R. equals the population of the state divided by 100; one-half R. entitles a county to a representative; one and three-fourths R. entitles a county to two representatives; three R. entitles a county to three representatives; and thereafter each full R. gives a representative. Elaborate provision is also made that counties having a considerable fractional surplus over the R. shall be allowed an additional member at a number of sessions during the decade proportional to the size of this fraction. This is analogous to the practice in New Hampshire.

² In Michigan two representatives are allowed to any county "having a ratio of representation and a fraction over, equal to a moiety of said ratio; and so on above that number, giving an additional member for each additional ratio." Constitution, Schedule, Sec. 22.

³ In Missouri one representative is given to each county containing one ratio or less. R. equals the population of the state divided by 200. Additional members are then allotted as follows: two and one-half R. entitles a county to two representatives; four R. entitles a county to three representatives; six R. entitles a county to four representatives; and thereafter two and one-half R. brings an additional member. According to the last census the population of Missouri makes R. equal 13,395. There are thirty-seven counties with less than one R., ranging up from 4,659. In St. Louis, therefore, the actual ratio was 30,118. Only one of the six St. Louis districts elected a mixed delegation.

BRIEFER COMMUNICATIONS.

RUSSIA IN ASIA.¹

From the Kingdom of Muscovy, with an area of over half a million square miles, the Russian Empire has progressed to its present vast expanse of territory, comprising most of eastern Europe and the whole of northern and central Asia—a total of nearly nine million square miles, of which the Asiatic possessions—the Caucasus, Central Asia and Siberia—aggregate 6,564,778 square miles, or more than two-thirds. In other words, Asiatic Russia is considerably more than twice the extent of the United States (3,025,600 square miles), exclusive of Alaska and our recent insular acquisitions, and covers more than one-third of the total area of Asia. Of Asiatic Russia, Siberia figures for about two-thirds, or 4,833,496 miles; the next division, in extent of territory, being the Kirghiz Steppe, 755,793; then Turkestan, 409,414; Transcaspia, 383,618, and finally, the Caucasus, including Transcaucasia, 180,843 square miles. But “a very considerable portion of Asiatic Russia,” says Mr. Krausse, “consists of derelict territory, which is useless as the habitation of man. This is especially the case with those parts of Siberia which are in the Arctic Circle, forming about one-third of the country, and the sandy wastes of the Ust Urt, Kara Kum, and Kizil Kum in Central Asia. Indeed, the whole of Turkestan and Transcaspia, and a great proportion of the Kirghiz Steppes consist of land capable of producing nothing.” Deducting these, however, there would still remain enormous tracts of territory which are capable of a development that, sooner or later, will profoundly affect the economic forces of the world. Siberia is undoubtedly rich in minerals, and “in the steppe land and generally in the Transbaikal and Amur provinces, the land is fertile, and large harvests of corn and other cereals are annually raised, while the breeding of cattle, horses and sheep is a profitable industry.”² The United States Consul at Vladivostock, Mr. Greener, in a report dated November 16, 1899,³ speaks of the variety of products of the Amur region and the expectations of Russian development of the “vast and rich fields of Manchuria,” which “at the present time is the promised land toward which all speculative eyes in Siberia are turned.”

¹ *Russia in Asia: A Record and a Study, 1558-1899.* By ALEXIS KRAUSSE. Pp. 411, with twelve maps. Price, \$4.00. New York: Henry Holt & Co., 1899.

² *Russia in Asia*, page 12.

³ See Advance Sheets, No. 630, United States Consular Reports.

Whatever may be the deficiencies of soil and climate of portions of Asiatic Russia, there can be no doubt that it has resources so vast and in so imperfect a state of development, that the industrial capacity of the Russian people will be sufficiently employed for a long time to come. Meanwhile, as manufactures are still in a primitive state, and the activity of the people is mainly agricultural, the opening up of the country necessarily entails the importation of foreign machinery and goods, and the United States will probably find Asiatic Russia an increasingly valuable market for a great variety of manufactures and supplies which no nation is better able to furnish, for the reason that we have long been accustomed to meet the demands in our home markets for the kinds of tools, machinery, railway supplies, etc., which have proved most economical and most useful in the development of virgin territory.

Russia's expansion in Asia has been accomplished in little more than four centuries, but most of her more important acquisitions—that is, from the economic point of view—have been of very recent date, as for example, the Amur region (1865); Central Asia (1865–1884); Manchuria (1894–1899). To-day Russia reaches from Sweden and Germany to the Pacific, and from the Arctic Ocean to Afghanistan and Persia. She has occupied large regions of northern China, and has acquired an open port on the Yellow Sea. She stands almost at the gates of India and well within the borders of Persia, ready at any moment, it would seem, to take up her onward march to the sea. But great as she is, Russia “is, in proportion to its size,” to quote Mr. Krause, “the worse situated of any country in respect to maritime access. Of the four actual seabords to which it extends, one, the Arctic Ocean, is practically useless. Another, the Pacific, is available only to a limited extent, being closed by ice during a great portion of the year,¹ besides being situated at such a distance from the centres of political and commercial activity as to be of restricted value. The Baltic also is closed for several months each year by ice, and the Black Sea, while affording an outlet at all seasons to the Mediterranean, lacks communications with the Empire, and is apt to be closed in case of war. This want of seaboard forms a very prominent factor in Russian history, and is largely responsible for the dearth of intercourse between Russia and other nations, with its accompaniment of lack of progress, as well as serving as an incentive to the constant seizure of new territory with the view of practically working a way towards a maritime outlet, which will serve to put the country on a parity with other nations.”

¹ Mr Krause evidently refers to Vladivostock, but the recently acquired port of Talien-wan (renamed Dalny) is free of ice all the year.

It seems strange that, after having thus clearly indicated the main propelling force of Russia's advances in Asia—the need of convenient outlets for her products—Mr. Krausse should take so much trouble to prove that Russian expansion has been more a matter of greed and ambition on the part of the ruling classes, than the steadily growing pressure of industrial conditions such as undoubtedly brought about our own absorption of a continent, and the recent extension of our territorial limits to islands beyond the seas. The history of the expansion of Russia in Asia, indeed, has many points of similarity to that of the United States in its progress westward. Both nations have followed a natural law of development, in pushing their borders on direct lines, instead of dotting the globe with colonizing ventures of a more or less sporadic or accidental character. Each in turn has spread over the greater part of a continent, its onward march being often checked, but never wholly arrested by nomadic tribes of savages whom it had, first of all, to subdue. In both cases, military enterprise necessarily preceded the arts of peace, but whereas the United States had to deal with a single race, Russia has had the far more difficult task of adapting herself to a great variety of barbarous nationalities some of which entertained relations with European powers which greatly embarrassed her efforts.

The United states has also been more fortunate than Russia in this—that almost at the threshold of her territorial expansion, she was enabled to acquire by purchase from France and Spain, and later by conquest from Mexico, extended coast lines on the Gulf of Mexico and the Pacific, with harbors which now provide convenient seaports for the vast stretches to the south and west that have gradually been incorporated into the Union. Had we been restricted to the Atlantic seaboard as the sole outlet for the products of the immense area west of the Alleghenies, we would be able to appreciate the growing restiveness of the Russian people in their confinement for so many generations to the icy shores of the Baltic, and the development of our western plains might have been but little more rapid than the industrial growth of their Siberian steppes. It may, indeed, be assumed that, but for the composite character of the Russian population and the difficulties growing out of racial differences, and the jealousies of rival powers in Europe having interests in the Mediterranean, Russia would long since have burst the bonds of her commercial imprisonment and established herself at eligible points on the seas. She had first to convert herself from an uncivilized to a civilized power, to weld together races so diverse as the Slav, the Cossack, the Tartar, and to make a nation homogeneous and strong enough to command respect for its wishes in the councils of the world. The

difficulties her statesmen have encountered, have been greatly increased by the fact that she is a European, as well as an Asiatic power, and her progress in Asia has always been impeded by the fact that, at any moment, she might find herself involved in a purely European quarrel.

The general similarity between the experience of the United States and Russia in their subjugation of vast areas occupied by barbarous peoples extends to the industrial conditions which their pioneers have had to face. The Russian engaged in developing the resources of Siberia, of Central Asia, of Manchuria, finds himself confronted by many of the difficulties and needs which the settlers of our Far West have but recently surmounted. Remote from markets, as they once were, he looks to railroads to enable him to utilize the agricultural and mineral resources of lands which, without modern facilities of transportation, would be unable to find outlets for their products. When these are provided it may be assumed that a transformation like that which has been wrought in our western states and territories will be effected in the fertile portions of Asiatic Russia. Towns will spring up in wastes but thinly peopled or practically uninhabited; diversified industries will gradually be introduced; a great economic development will follow. These results may be accepted as inevitable notwithstanding the objections which have been raised that a great part of Siberia is unproductive; that Russia's objects in occupying new territory have been largely political and military, and that she has built railroads more for strategic than for commercial purposes, and has shown but little disposition, thus far, to civilize and make industrially efficient the savage peoples she has brought under her sway.

It is a serious defect of Mr. Krausse's book, which contains much valuable information, that it lays undue stress upon these considerations, and ascribes to Russia ambitions which would be shadowy, vain and unprofitable if they were inspired merely by the lust of conquest, the jealousy of rival powers, and the desire for personal aggrandizement on the part of her tchinoviks. Mr. Krausse, indeed, as we have seen, contradicts himself by assigning as the great objective of Russian advances in Asia, the acquisition of ports on the Mediterranean, the Indian Ocean, and the Pacific which would give her harbors of ready access to the markets of the world. While the influences to which he assigns so much importance have undoubtedly played their part, they have been incidental to rather than chiefly causative of a development which has tended always towards commercial ends. In the earlier years of Russian expansion, this tendency may have been more or less unconscious, but there are

abundant evidences in recent years of a clear comprehension by Russian statesmen of the economic value of the results of her traditional policy when finally consummated. "Russia in Asia" is a work which shows careful research and is of great value as a summary of the salient facts of Russia's progress and present status in the East, but it is so strongly-colored by the author's prepossessions and his frequently reiterated warnings of Muscovite duplicity, that it cannot be accepted as a safe presentation of a question which he admits is regarded as debatable even among the English statesmen whom he endeavors to arouse to a clearer realization of what he conceives to be the menace of Russian policy.

It is not unlikely that Russian diplomacy will ultimately find a solution of the problem of the Empire's relation with European powers which, while securing to Russia what she really needs for her commercial development, will not gratuitously threaten the legitimate interests of rival nations. Germany, as well as Great Britain, has interests in Persia. She has recently acquired the right to build a railroad through Asia Minor from Konieh east of Smyrna and south-east of the Bosphorus to Bassorah on the Persian Gulf, some 2,000 miles. This road may some day form part of the proposed transcontinental railroad through Southern Persia, Beloochistan, India, Burmah and China to the Pacific, as a glance at the map shows it to be the most direct route, from London, via Germany, Austria-Hungary, the Balkan peninsula, and Constantinople, to a point on the Persian frontier whence it could be continued almost due east across the continent of Asia, keeping well to the south of the Himalayan range, and terminating at some favorable point on the Chinese coast. If German and British interests should thus ally themselves, the fear of undue preponderance of Russia in Persia would lose much of its force, and there would probably be less opposition to the extension of Russian railroads in Persia with the view to acquisition of a port on the Arabian Sea. At any rate, we may safely assume that Russian statesmen would prefer a peaceful settlement which would satisfy the commercial requirements of the empire, to an effort for exclusive control which might embroil her in a life and death struggle with her powerful neighbors. The same considerations would seem to have even greater weight in China, where the interests of the United States, of France, of Japan, besides those of Germany and Great Britain would come into play.

The truth is that Russia has entered seriously upon the development of her vast resources in Asia, and her future operations there are likely to subordinate the spirit of military conquest to industrial considerations. She has already carved out for herself such great alices

of territory that it will be a long time before she is able to digest them. Her appetite for more is likely to be limited to the very natural desire to obtain a free channel to the Indian Ocean for the products of the vast Transcaspian region, as she has already obtained such channels via the Black Sea to the Mediterranean for her European provinces, and for Siberia and Manchuria at Vladivostock, and Dalny or Talien-wan. The London *Times* sees no menace in investments of Russian capital "to get the command of Persian trade," and "to develop industry in and on behalf of Persia," or in the construction of "a remarkable road, at a heavy cost and in spite of very considerable engineering difficulties, from the Caspian to Teheran."¹ The *Times* even goes so far as to express the opinion that it is quite possible "to arrive at a friendly understanding with Russia on the basis of equal rights and an open opportunity of trade in Persia," and after commending the liberal policy of M. Witte, the Finance Minister of Russia, in seeking to promote the industrial and commercial progress of the Empire "as opposed to the traditional methods of the military party," and attributing the same "peaceful and conciliatory principles" to the Czar, the *Times* adds: "If the position of Persia and her trade be regarded in this light, there is no reason why a good understanding between Russia and England should not be arrived at in relation to the future of regions, closely connected with the territories of both powers."

It is still possible, of course, to attribute to Russia the design of utilizing Persia as a means of obtaining an outlet to the sea on the south merely in order to command the sea route to India and the Far East, but this presupposes a readiness to defy the commercial interests of the whole of Europe, for which no practical reason could be found if Russia's primary object is what it appears to be, the acquisition only of the means of developing her commerce, and of ensuring that "peaceful progress" which the Minister of Finance, in his report upon the budget of the Empire for 1899, asserts is the object of "the loving care" of the Czar. In his report upon the budget for 1900, M. Witte concludes with these significant words:

"In presenting to Your Imperial Majesty his views on several problems of the economic life of Russia, the Minister of Finance takes the liberty, at the conclusion of his report, of mentioning a subject of essential importance to the whole civilized world, namely, the marked and universal tightness and embarrassment in the money market. This circumstance, which is causing no inconsiderable difficulty in the industro-commercial operations of all countries, proceeds from various circumstances of an economic character, and is also to a great extent

¹ London *Times*, December 27, 1899, p. 7.

complicated by recent events in South Africa. It is not, however, so much these circumstances, as the vague fears of further political complications, that are causing such embarrassment in money matters. The calm voice of reason is powerless to allay these fits of distrust in the stability of international relations. But the agitation would in a great measure be allayed, were the governing classes and the public abroad imbued with the same opinions on questions of world politics that are held by the Monarch of a hundred and thirty million faithful subjects."

In such professions on the part of Russian statesmen Mr. Krausse seems to see only the wiles of a diplomacy which, in his opinion, seeks to serve not the material interests of Russia, but the greed and ambition of a militarism striving always to lull its opponents into a fancied security with pledges it means to break at the first favorable opportunity. This has long been a favorite theory with Russophobists, and it might still have some plausibility but for the great economic changes which are going on in Russia. The empire of the Czar is no longer a great scaffolding of autocracy held up with bayonets—though militarism is still and will probably long remain a deeply rooted force—but a rapidly developing industrial power which, though strongly centralized and paternalistic, is accomplishing great results for the masses of the people. It is the minister of finance, not the minister of war, who is now the right arm of the Czar, and one has only to read his annual reports for the past few years to be impressed with the magnitude and practical importance of the reforms he has inaugurated in the economic life of the people. Among these may be mentioned the reform of the currency, the fostering of manufactures, the government control of liquor selling, the building of railways and various measures for the development of agriculture and the betterment of the condition of the peasantry. "The Russian State," says a writer in the *Russian Journal of Financial Statistics*,¹ "is the greatest land owner, the greatest capitalist, the greatest constructor of railways and carries on the largest business in the world." Whatever may have been the prevailing tendencies of Russia in the past, it is evident that internal development is what now concerns her most, and that she fully realizes the need of a long period of peace in which to build up her industries and to properly utilize her natural resources. It is this fact, doubtless, which causes great organs of English opinion, like the *London Times*, to incline to the view that an amicable adjustment of traditional difficulties with Russia is not impossible and to give full weight to the declarations of a pacific spirit on the part of the Czar.

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¹ Published in English at St. Petersburg, December 30, 1899. See pp. 12, 13.

SOME ORIGINAL AND PECULIAR FEATURES IN THE NEBRASKA CONSTITUTION.¹

It might seem, at first thought, that a young commonwealth like Nebraska would have no original or peculiar features in its fundamental law. Constitution making had been in progress, even in America, for about a century before the first convention assembled for that purpose within the present boundaries of Nebraska. Moreover, the political ideas which form the subject-matter of most constitutions had been wrought out through a long period of European civic development before the New World history had even begun. One might expect to find, therefore, that the Nebraska constitution is but a copy of similar instruments which preceded it. In reality, however, the fundamental law of this state contains a number of important provisions which appear to be original and which afford an interesting field for investigation by the jurist and the student of legal systems.

The bill of rights is the oldest part of existing constitutions. Many of its clauses are exact reproductions of the instrument of the same name which marked the successful issue of the English revolution. Still other provisions find their origin as far back as Magna Charta. In this part of our constitution we might least expect to find originality; and yet our bill of rights provides its own rule of construction by means of a clause which is different from every other state constitution which I have found except one.

It is commonly said that the canons of construction for federal and state constitutions are directly opposite,—that the federal instrument is a grant and confers no powers not expressly mentioned, while a state constitution is a limitation and passes all power not expressly retained.² To this doctrine, so well established elsewhere, our bill of rights affords an exception. For the last clause of this part of our fundamental law is as follows: "This enumeration of rights shall not be construed to impair or deny others, retained by the people, and all power not herein delegated, remains with the people. (Art. i, Sec. 26.)

The significance of this provision has, I think, been generally overlooked. Literally applied it would require the same rule of strict construction for both our federal and state constitutions; it would give the legislature, as well as the other branches of the state government, no implied powers while every legislative act would need support in some express clause of the constitution. I have not observed, however, that any such rule has been followed in practice. The construc-

¹ A paper read before the Nebraska State Historical Society at its annual meeting, January, 1899.

² See the article "Constitutional Law," 6 Am. & Eng. Encyclopedia of Law (second edition), pp. 933, 934.

tion given to our fundamental law by the courts appears not to differ from that awarded to state constitutions generally,¹ and I have known of arguments at the bar wherein it was either assumed or asserted that our constitution is a limitation and not a grant. Still it seems unlikely that so plain a provision will always escape notice and it may yet work surprising changes in constitutional interpretation.

I have said that this clause has been found in the constitution of no other state except one. The exception is North Carolina whose fundamental law contains an exactly similar provision which has been recognized and applied by its courts.² The relation between these two constitutions and the extent to which one may have borrowed from the other offers an interesting problem for the historian.

Another peculiar provision of our bill of rights is that which guarantees the right of appeal. It is as follows: "The right to be heard in all civil cases in the court of last resort, by appeal or otherwise, shall not be denied." (Art. i, Sec. 24.) The guaranty of the right to be heard in courts of *original* jurisdiction is found in almost, if not quite, every American constitution and is as old as Magna Charta. But the right to be heard in an *appellate* court is a different matter and I find no constitution except ours which guarantees it. This provision like the one last noticed would be exceedingly important were it literally applied, for its logical effect is to invalidate all legislation which prevents a hearing in the court of last resort. It might even be true that a literal construction of this clause would invalidate certain statutes which cut off an appeal where a litigant fails to take certain formal steps within a prescribed period. But this clause, like the other is not literally applied. We have e. g. a statute³ which entirely forbids an appeal from an inferior court in cases tried to a jury where the amount claimed does not exceed twenty dollars, and this statute has been several times upheld by the courts.⁴ In practice, therefore, this constitutional provision seems not to have materially affected the legislation of this state. It has, however, influenced the course of judicial legislation, at least one decision having been overruled on the strength of the constitutional guaranty.⁵

A provision submitted separately from the constitution itself, but nevertheless forming a part of that instrument, is that which authorizes the legislature to enable the voters to express their choice of candidates for the office of United States Senator. At the time of its

¹ See *Magneau v. Fremont*, 30 Neb. 843, 852 and cases there cited.

² *People v. McKee*, 68 N. Car. 429.

³ Code Civil Proc., Sec. 958.

⁴ *C. B. & C. R. Co. v. Headrick*, 49 Neb. 286; *Molise v. Powell*, 40 Neb. 671.

⁵ *Shawang v. Love*, 15 Neb. 142; overruled in *Hurlburt v. Palmer*, 39 Neb. 188.

adoption it was a unique plan and was welcomed as a step towards popular election of senators. But in practice it has amounted to little. Twice in our political history a popular candidate has received a large vote for the senatorial office—once in 1886, when the late General Van Wyck sought re-election, and again in 1894, when Messrs. Bryan and Thurston were rival candidates. But at no time has the legislature actually provided for a popular ballot upon senatorial candidates, and as the constitutional clause is permissive only and not mandatory or self-acting, the votes which are cast for this purpose are not officially canvassed and are treated as a mere voluntary expression of the electors. Moreover, in no instance has a senatorial contest in this state been determined or even materially affected by the popular vote cast for a particular candidate. Nevertheless this provision has been incorporated into the new constitution of South Carolina, and was probably borrowed from ours, as no other instrument of the kind embodied such a plan. Under more favorable conditions, too, it may yet prove to be the transitional step towards the direct popular choice of United States senators.

Law has been characterized by an eminent Italian jurist as the product of economic conditions.¹ Our state constitution, as the highest expression of local law, illustrates this in several features. Indeed, it may be not inaptly termed a "grasshopper" constitution, for, in 1875, when it was framed, the state was just emerging from the gloom and destitution caused by the insect scourge of the preceding summer. The scrupulous care with which offices were limited and salaries curtailed shows the influence of these conditions on the work of the convention. The highest salary allowed by the constitution is \$2,500, and yet even that sum must have seemed a fortune to the impoverished Nebraskan of a quarter of a century ago. The story of how these checks and limitations regarding offices have been evaded through such means as the creation of boards and the appointment of secretaries, is a familiar one and illustrates the inefficacy as well as inexpediency of permanent measures to meet merely temporary conditions.

Our fundamental law was framed at a transitional period in the history of constitution-making in America. The constitutions which preceded it were of the old type containing merely the Bill of Rights, the framework of government and a few other general provisions. Those framed in more recent years are of increasingly widening scope, extending far into the field of general legislation.² The Nebraska

¹ Loria, "Economic Basis of the Social Constitution," reviewed in *Political Science Quarterly* for December, 1893.

² See Thorpe, "Recent Constitution Making in the United States," *ANNALS OF AMERICAN ACADEMY*, vol. 2, p. 145; Eaton, "Recent State Constitutions," 6 *Harvard Law Rev.*, pp. 53, 109.

constitution occupies a position midway between these two types. It has a less extensive scope than those framed during the last decade, but it covers many subjects which would have seemed out of place in the constitutions of the early part of the century. Such are the articles (XI, XII, XIII) relating to railroad and other corporations, provisions of which have been of frequent consideration by the supreme court in recent years.

Perhaps the most effective and at the same time most serious of these peculiar features of our constitution is its unchangeableness. For its own amendment it requires "a majority of the electors voting at the election,"¹ and this has been construed by the supreme court to mean a majority of the highest aggregate number of votes cast at the election, whether for candidates or propositions,² and not merely a majority of those cast on the amendment. One of the judges wherein this construction is announced frankly recognizes that "taking the past as a criterion by which to foretell the future, it would seem that under the construction adopted, it will be almost, if not quite impossible, to change the present constitution, however meritorious may be the amendment proposed." And this conviction is not confined to the judicial, but is also shared in by the executive branch. Our new governor, in his inaugural message, calls attention to the fact that although proposed amendments are submitted at almost every session of the legislature, yet "in the press of other matters and the excitement of political campaigns, they are lost sight of and fail to receive popular ratification." The justification for this remark will appear when we recall that while our constitution has been in force for almost a quarter of a century, and while at one time (in 1896) as many as twelve propositions of amendments were pending, there is but one instance where a change has been actually effected, and that only through a legislative recount after the proposition had been declared lost by the official canvassers.³

It seems to be conceded, then, that our constitution is practically unchangeable by amendment, and if so we find here not only a most peculiar feature, but one of gravest concern to the commonwealth. Doubtless it is important that our fundamental law should be stable and secure, not changed with every wave of popular caprice, and not easily manipulated by designing politicians.⁴

¹ Sec. 1 of Art. XVII (or XV as it appears in the Compiled Statutes).

² *Tecumseh Nat. Bank v. Saunders*, 51 Neb. 801; 71 N. W. Rep. 779.

³ This was in 1896, when the provision which now forms Sec. 4 of Art. III was declared adopted in pursuance of Session Laws of 1887, ch. 2.

⁴ This idea was emphasized by Governor Dawes in his retiring message of 1887, as a reason for disapproving the plan of calling a constitutional convention.

A remedy for this plight into which our laws have fallen seems to lie in the calling of a constitutional convention, and a general belief that this is the only possible solution is indicated in the fact that both our incoming and retiring governors have recommended that plan to the present legislature. It is gratifying to know that such a course meets the approval of some who speak with authority. Mr. E. L. Godkin, editor of the *Nation*, always conservative and never an optimist, thus characterizes the constitutional convention as a factor in American political development: "Through the hundred years of national existence it has received little but favorable criticism from any quarter. It is still an honor to have a seat in it. The best men in the community are still eager or willing to serve in it, no matter at what cost to health or private affairs. I cannot recall one convention which has incurred either odium or contempt. Time and social changes have often frustrated its expectations, or have shown its provisions for the public welfare to be inadequate or mistaken, but it is very rare indeed to hear its wisdom and integrity questioned. In looking over the list of those who have figured in conventions of the State of New York since the Revolution, one finds the name of nearly every man of weight and prominence; and few lay it down without thinking how happy we should be if we could secure such service for our ordinary legislative bodies."¹

Who shall say that the creation of such a body at this time would not summon to the service of the state many gifted citizens of whose assistance the state is now deprived because present political conditions fail to attract them? If so the result would tend to quicken and regenerate the not too wholesome civic life of our beloved commonwealth, besides facilitating by the removal of obsolete constitutional barriers, that steady improvement in laws and institutions which is the normal tendency of every free and intelligent people.

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STREET RAILWAY POLICY IN BERLIN.

The city of Berlin is just now in a transition period, so far as its system of street railway lines is concerned. The development is likely to be of extraordinary interest and will attract the attention of the students of municipal government during the next few years.

It will be remembered that the city of Berlin granted extensive privileges to private corporations many years ago for the construction of

¹ Godkin, "The Decline of Legislatures," *Atlantic Monthly* (1897), Vol. 80, pp. 35, 52.

surface roads. These privileges, generally speaking, expire about the year 1905. Nearly ten years ago the demand for replacing horse traction by electric traction became insistent. Smaller cities, notably Halle on the Saale, led the way in this improvement. Berlin lagged behind. It was very evident that the private companies would not introduce electric traction on their own initiative. The pressure for an improvement in local transportation became so great that the city authorities were finally compelled either to buy out the companies under the provisions contained in the contracts or to find some means of persuading them to introduce electric traction. As is usual in such cases, it was found that the cost of purchasing the lines would far exceed the financial ability of the city at the time, and consequently the latter was compelled to come to terms with the street car owners. The latter insisted that they could not afford to introduce electric traction without very substantial compensation on the part of the city. Their concessions would expire before they could hope to reap the profits from the necessary investment of capital. They proposed to introduce the electric power if the city would extend the term of their privileges. After a long discussion, a new contract was made with the more important of these lines—the Great Berlin Street Railway Company, and the New Berlin Horse Railroad Company—on the nineteenth of January, 1898. The following were the more important provisions of this contract: The companies agreed to convert all their horse car lines into railroads with electric traction, and to apply the same to all new lines opened by them during the term of their concession. This conversion of horse traction into electric traction is to be complete within five full years after the signing of the contracts. The general system of traction is that known as the trolley system, but in its place a mixed system of storage battery and trolley may be introduced at any time, upon demand of the city authorities. The electricity is to be obtained from such places as are indicated by the city authorities. The city may insist upon the construction of additional lines whenever the public interest may demand it, and in such places as it may determine, to the amount of 150 kilometres, and the tracks of these companies may be used by other companies chartered by the city for the distance of 400 metres. The companies bound themselves to erect waiting rooms at the ends of their lines and at the various stopping places, which shall be warmed and lighted, these stations to be erected upon demand of the city. Motormen and conductors are not to be employed for more than ten hours per day. Three years after the conclusion of this contract the companies shall reduce their price of transportation for a single, unbroken trip, along the whole length of their lines, both within and without the city

limits, to a uniform price of ten pfennigs (2.38c.) The companies shall provide a pension system for their employees. They shall pay to the city for the use of city property 8 per cent of their gross income from transportation of persons and goods, and whenever the net return of the enterprise shall exceed 12 per cent of the present capital stock or 6 per cent upon any additional capital employed in extending the lines, the half of the excess profit shall be paid into the city treasury. The contracts shall run to the thirty-first of December, 1919. At the end of the contract the lines and rolling stock of the companies shall pass into the possession of the city of Berlin, without any remuneration whatever.

It will be seen that this forms a very liberal contract to the city, as such contracts go, but, in spite of that fact, the action of the city in closing this contract has been severely criticised, and the city is now drawing up an extensive plan of additional lines, making a network comprising nearly as many kilometres of track as the present system, which is to be built and operated by the city on its own account. This will not compete directly with the existing lines, but will of course have a decided influence upon their policy, as it will affect materially their possibilities of profit, in case they do not pursue what the public considers a reasonable policy. It is felt that if the city constructs and operates its own system, it will acquire the necessary experience to take over the existing lines when the concession expires in the year 1920.

It is interesting to note that nearly all students of municipal government in Europe consider that the acquisition of these semi-monopolistic enterprises, like gas, water, electricity, local means of transportation, etc., is absolutely necessary, if the cities in the future are to be able to provide the funds necessary to meet the steadily increasing demands upon the municipal funds.

In the matter of street railway transportation in Berlin, the inconvenience of the present situation is certainly very great. Many of the old horse cars are still in use and consequently over extensive lines in the central portion of the city the speed is limited by that of the horse car. But over half of the entire mileage and the rolling stock has now been converted into the electric system and probably the reconstruction of the entire system will be completed within the year, when the city will have a fairly successful and satisfactory system of local street transportation.

It is rather an interesting fact that the citizens of Berlin are very indignant over what they consider gross neglect on the part of the street car companies in the performance of their functions. This has gone so far that a general meeting was called recently by all people

who had reason to complain of failure in the street car service, of failure to run cars frequently enough, of failure to provide a sufficient number of cars, of failure to warm the cars adequately, etc., for the purpose of forming a general association of citizens to safeguard the interests of the community over against the street car companies. Its object is to stir up the municipal administration in such a way as to compel it to force the street car companies to carry out their agreements with the city ; from which it will be seen that public administration, even in Germany, requires the same sort of stimulation from private parties that it does in the United States.

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BOOK DEPARTMENT.

NOTES.

IN *MAGNA CHARTA*¹ the author has sought, as he tells us, "to make a short book, of interest to the general reader" avoiding or explaining technical terms not understood by the lay mind.

Part I is an historical sketch, elementary in character, of the reigns of the Norman kings, in which is set forth the abuses that culminated in the demand for the great statute.

Part II contains the charters granted by the early kings, from Henry I. to Edward I., the laws of Edward the Confessor, and the Sentences of the Bishops and of the Clergy.

In Part III the author gives explanatory notes on the Charter of King John, and the Forest Charter of Henry III.

It is to be regretted that Part III contains no citation of authorities; the general reader, and it is for the general reader that the book is written, may verify the statements in Part I by reference to any English history; but those chapters of the charter which require explanation, require it in most cases because they deal with legal institutions which have long been dead or have grown past recognition since the day John swore by "God's teeth" at Runnymede he would never establish or confirm them. Verification of the author's explanation of these can be found only in legal works, and to such works the general reader needs special direction; he is entitled to know, for example, on whom the author relies for the statement that Chapter 39 of the charter relates to the jury system when the most accurate modern authorities, Forsyth, Pollock, Maitland and others agree that it has no reference to this institution.

Mr. BOWLEY'S "*WAGES IN THE UNITED KINGDOM IN THE NINETEENTH CENTURY*,"² presents an admirable application of the statistical method to the very kernel of the labor problem. It is valuable not only for the light it throws on changes in wages in different trades during the century just drawing to a close, but also for its keen analysis of the difficulties connected with wage statistics and the ingenious methods suggested for coping with these difficulties. The chief subjects treated in the book are thus described in the

¹ *Magna Charta and Other Great Charters of England*. By BOYD C. BARRINGTON, LL.B., of the Philadelphia Bar. Pp. 342. Price, \$3.00. Philadelphia: William J. Campbell, 1900.

² By ARTHUR L. BOWLEY, M. A., F. S. S. Pp. vii, 144. Price, 6s. Cambridge: University Press. London: C. J. Clay & Sons, 1899.

introduction (page 2): "the extent and nature of the material existing and the chief authors and sources of information, with mention of some special difficulties in making general estimates; a general statistical history of the wages in groups of industries, such as agriculture, the building trades, mining, textiles and mechanical engineering industries; the distinction between wages and earnings; the difficulties of conducting a wage census and former attempts to do so, and the special features of modern estimates; the more minute investigation of the wage statistics of the building trades, illustrating the special difficulties which arise and the methods of calculation applicable; the treatment of the statistics of a new and expanding trade and of a decaying trade; the combination of these figures with the general average and the difficulties in the way of a general comparison, and the reduction of all wage statistics to yearly averages referring to the whole sphere of industry." Each one of these topics is treated with great clearness and abundant material is presented to substantiate the author's conclusions. He bases these on calculations of rates of change in the wages paid for labor of different grades, rather than on comparisons of the average wages paid in different trades at different periods, and is thus enabled to utilize a great deal of material too fragmentary to be otherwise employed. As a result of his investigation he concludes that if the rates paid in the United Kingdom from 1890-99, when they were fairly constant, be represented by 100, the rates from 1880-90 should be put at 90, those from 1870-80 at 95, from 1860-70 at 75, from 1850-60 at 65, from 1840-50 at 60, from 1830-40 at 60, etc., and that during the one hundred and twenty years from 1780 to 1899 the rates increased from 40 to 100. The work concludes with a full bibliography and a careful index.

IN *THE NEW DEMOCRACY*,¹ the author, a professor in the University of Tasmania, has given us valuable information on the practical working of the Hare system of voting, which has been in force in Tasmania since 1896, and of the new Australian constitution. Had he confined his book to such local topics it would have been an unqualified success. Or he might even have added the chapter in which he urges the teaching of history as a means of increasing the intelligence and political knowledge of the voters. But the rest of the book is of no value to the ordinary student of politics save as a clear and well arranged statement of old ideas. It is taken almost exclusively from

¹ *The New Democracy*. By JETHRO BROWN, M. A., LL.D. Pp. xii, 215. Price, \$2.00. New York: The Macmillan Company, 1899.

Mill, Bryce, Lecky, Bodley and Godkin. The more original parts of the work are lacking in accuracy. Thus, he regards the condition of parties in France as peculiar to that country (p. 25); he thinks that Bryan received little popular support (p. 91); and he says (p. 172) that "the state in its origin was an organized body of men occupying a definite territory."¹

MR. E. H. BYINGTON has supplemented his former work on "The Puritan in England and New England" by a study of "The Puritan as a Colonist and Reformer."² In the latter work the author devotes the first three chapters to a discussion of the early beginnings of the colonies, including some mention of their economic conditions, the relations with the Indians, the church and the government. This part of the book concludes with the usual exaggerated estimate of the influence of New England on American institutions. "The Greater New England stretches from ocean to ocean." In the next two chapters the author discusses the religious side of the early Puritans, their influence upon the Indians and more especially the work of John Eliot and Jonathan Edwards. The work concludes with a brief consideration of Shakespeare's attitude toward the Puritans; the author believes that Shakespeare and the Puritans misunderstood each other, that the latter seemed to the poet narrow and bigoted, while they in their turn could recognize only the supreme importance of spiritual things. The Puritans also wished to establish the rights of the middle classes whereas Shakespeare and many others of his class were not interested in this movement and therefore, perhaps, ignored its true importance.

A CONVENIENT SUMMARY of the principal facts connected with the trade between the United States and the United Kingdom from 1776 to 1897, constitutes the latest volume of Sonnenschein's Social Science Series.³ The author, Mr. S. J. Chapman, prepared the work in competition for the Cobden Prize at Cambridge in 1898, and upon receiving the award, revised his study for publication. The course of trade between the two countries is clearly described

¹ Contributed by Robert P. Reeder, Esq.

² *The Puritan as a Colonist and Reformer.* By E. H. BYINGTON. Pp. xxvii, 375. Price, \$2.00. Boston: Little, Brown & Co., 1899.

³ *History of the Trade Between the United Kingdom and the United States, with Special Reference to the Effects of Tariffs.* By SYDNEY J. CHAPMAN. Pp. xv, 118. Price, 2s. 6d. London: Swan Sonnenschein & Co. New York: Charles Scribner's Sons, 1899.

in the nine chapters into which the volume is divided by the aid of numerous diagrams and statistical tables. Less satisfactory are the explanatory portions of the text, which suffer from the narrow basis on which the discussion rests. The trade between any two countries cannot be understood unless trade relations with other countries are taken into account. Nor can foreign trade as a whole be comprehended if studied apart from other aspects of a nation's industrial life. These obvious facts are ignored by the author, who seems to have lacked the necessary preparation for a really comprehensive treatment of the trade between the United States and the United Kingdom. His use of the best authorities, Giffen, for facts in regard to English trade, and Wells and Taussig for information touching the trade of the United States, saves him from committing very serious blunders, but when he departs from the paths marked out by these writers and suggests original explanations his incomplete grasp of the subject becomes conspicuous. Notwithstanding, the essential facts are clearly presented, and for the most part speak for themselves.

"THE SOCIAL PHASES OF EDUCATION"¹ marks its author, the Superintendent of the Public Schools of Brookline, Massachusetts, as a teacher who has carried the theory of the new education to its logical conclusions. Not content with making the school an instrumentality for the full and free development of the individual, the author asks to what end is education, new or old, rational or mechanical, if not for the development of fine moral character? In social service he finds the goal towards which education should be directed. "From each according to his ability. To each according to his needs." Habit and mental attitude are all important. The interdependence of all parts of human society requires altruism. Not how much but what kind of education is the test. Is it leading to the fullest measure of social service?

Mr. Dutton reconciles the so-called conflicting aims "preparation for vocation" and "general culture." The value of all subjects is gauged by their utility. Vocational studies have in them the germs of mental, moral and æsthetic culture. The home and the school must be social in character and aim. Froebel and Herbart have set the right standards. "No sane person now thinks of treating reading, writing, spelling and composition as materials of thought."

¹*Social Phases of Education.* By SAMUEL T. DUTTON. Pp. x, 259. Price, \$1.25. New York: Macmillan Company, 1899.

That the pedagogy of the future is to take its point of direction more from sociology than from psychology is the governing principle. Three aims should dominate education—the knowledge of one's social environment, the sense of individual freedom and responsibility, and a consciousness of relationship to human institutions. Let education restore industrial co-operation, let it apply scientific ideas, develop manual and industrial arts, and emphasize the dignity of vocation, and it will cease to be unrelated to the life of the individual and the nation.

The church must recognize the unity of all Christian works. The school is the chief moral and civic force at its command. Inductive thought and the democratic spirit are at once the cause and effect of education. The correlation of educational forces in the community is based on the truth that "there is not one single element of civilization that is not made to depend in the end upon public opinion." The Brookline Education Society is an example of the possible enlistment of large and varied lay forces in educational progress. The interest and confidence of the people must be won so that they believe in the value of what is done, else much of the labor goes for nothing.¹

UNDER THE TITLE "DEMOCRACY AND EMPIRE"² Professor Giddings has arranged several of his recent addresses and articles with the object of giving them a continuous sequence. In the opening essay, "The Democratic Empire," the author states his position clearly and forcibly; it is that democracy and empire are entirely harmonious under the dominion of the Anglo-Saxons. Great Britain and the United States have steadily extended their rule in the last century and just as steadily have they become more democratic. This process may be continued in the future says the author, "all on the one inviolable condition that, *as it lengthens the reach of government, it must curtail the functions of government.*" The various local governments may undertake what they please, but the national or imperial government must be content to lose in intensity what it gains in extent. "It must confine itself practically to three things, namely: the imperial defence, the suppression of conflict between one part of the empire and another, and insistence that local administration shall come up to a certain standard in its protection of life and property, and in its respect for enlightenment.

¹ Contributed by Miss Dora Keen, Philadelphia.

² *Democracy of Empire*, By FRANKLIN HENRY GIDDINGS, Ph. D. Pp. 363. New York: The Macmillan Company, 1900.

In the last article, on "The Gospel of Non-Resistance," Professor Giddings tries to show that through the spread of the democratic empire the principle of like mindedness, of homogeneity in fundamental things, will be so far applied that men may differ on minor subjects, but in the essential things will lose the predatory, aggressive habit and the habit of resistance. By agreeing with each other in the fundamental principles of civil organization, individual liberty, standards of conduct and loyalty to a common destiny, the people will realize the gospel of non-resistance, although abundant room will be left for individual differences and progressive elements along other lines. Professor Giddings declares in his preface that the eighteen chapters intervening between these two thoughts are natural connecting links. Among these are articles on the "Ethical Motive," "Mind of the Many," "Industrial Democracy," "Trusts and the Public," "Railroads and the State," "Some Results of the Freedom of Women," etc. The average reader will hardly agree with the author as to the intimate connection between these subjects and the title of the book nor as to the relation of the various articles to each other. The book is not a book but a collection of essays. Some of the essays treat of democracy, some of imperialism, and some of democracy and imperialism, and many of other subjects. All are interesting, all are characterized by that forceful logic which is so familiar in Professor Giddings' work, but they are separate articles rather than connected chapters.

MR. THEODORE GILMAN,¹ a New York banker who published two years ago "A Graded Banking System," in which he advocated a plan for the issue of bank note currency regulated by incorporated clearing houses, re-enforces his argument by the publication of a second book entitled "Federal Clearing Houses." The new book contains a statement of Mr. Gilman's plan and several articles which he has published in magazines and newspapers during the last two years. It also reproduces Mr. Goschen's speech on English Bank Reserves, delivered at Leeds in 1891. Mr. Gilman makes very clear the necessity for a bank circulation which shall vary with the needs of business, justly holding that it will either prevent panics or greatly mitigate their evils. He discusses with much acumen and clearness the subjects of panics, elasticity of the currency, and the services which bank notes perform for the business community. The book is one which should be read by every banker in the country, for its author

¹ *Federal Clearing Houses.* By THEODORE GILMAN. Pp. x, 289. Price, \$1.00. Boston and New York: Houghton, Mifflin & Co, 1899.

understands his subject and makes his points in language which business men will comprehend. The plan which he suggests for the betterment of our banking currency, while it may be faulty in some details, is the simplest and most rational which has thus far been suggested. It could be adopted without any radical changes in our banking system, and the bank notes for which it makes provision, while not secured by deposit of bonds or legal tender money, would be the crystallized credit of the entire country, certain of redemption and available at a time when other forms of credit, through apprehension or actual panic, fall into disuse.¹

THE ACTIVITY OF French publishers in making available for French readers the best foreign literature on economic and social questions has frequently been remarked upon in these columns. Among the series contributing to the ever swelling stream of this literature is the *Bibliothèque Internationale des Sciences Sociologiques*, published under the direction of Professor Hamon of the new University of Brussels. The fourth volume of this series, which has recently appeared, consists of a scholarly translation of Karl Marx's *Zur Kritik der politischen Oekonomie*,² which was first published by the author in 1859 and was in the nature of an introduction to his larger treatise on *Capital*. Subsequent volumes to appear in the same series are translations of Lassalle's *Reden an die deutschen Arbeiter*, Bernstein's "Life of Lassalle" and a collection of the socialistic writings of William Morris.

"PREHISTORIC SCOTLAND"³ is a study of the earliest archaeological data relating to Scotland and to the British Isles generally. The author discusses the physical features of Scotland, the climate, fauna and flora, the culture and civilization of the stone, bronze and iron ages, and concludes with a chapter on the ethnology of the country. Mr. Munro infers from linguistic researches that the first Aryan immigration into the British Isles occurred during the bronze age. Numerous and elaborate illustrations accompany the text.

¹ Contributed by Prof. J. F. Johnson, University of Pennsylvania.

² *Critique de l'Economie Politique*. By KARL MARX. Translated from the German by Léon Remy. Pp. xi, 273. Price, 3 fr. 50. Paris: Schleicher Frères, 1899.

³ By ROBERT MUNRO. Pp. xix, 502. Price, 7s. 6d. Edinburgh and London: William Blackwood & Sons, 1899.

THE "COST OF LIVING"¹ represents a departure from former methods of teaching hygiene. The teaching of hygiene as a natural science has not accomplished what was prophesied for it two decades since. The sanitarian is beginning now to treat hygiene as one phase of a social science. To that end the author of the book under discussion presents nine lectures on domestic economy. Starting with the assumption that half of our income is wasted, or in other words, that present incomes go only half as far as they might, the author concludes that reform may be effected through improvement in consumption as well as through an increased share in the results of production. In fact, permanent improvements in the standard of life depend rather upon wise spending than upon large earnings.

Sanitary science furnishes the criterion of wise expenditure in the selection of a diet, of a building site, and household furnishings. The lectures go further and suggest model budgets for the households dependent upon modest incomes. Many economies are discussed whereby the small incomes may be made to raise materially the standard of life, without subtracting any real or supposed essentials in the existing standard.

"TAXATION OF LAND VALUES AND THE SINGLE TAX"² is the title of a collection of papers, by Professor Smart, discussing the proposal to impose a tax on land owners in Glasgow adjusted to the "site value." Though not professing "to be a contribution to economic science," the essay throws an interesting side light on the claim so often advanced that municipal ownership will lessen the burden of taxation. The experience of Glasgow seems to indicate that the enlargement of public services necessitates larger rather than smaller revenues from taxation. The more the city gives the more its citizens want. In Professor Smart's opinion, taxing site owners, instead of increasing the rates paid by occupiers, involves "double taxation, confiscation, and violation of contracts," and can only terminate in "pure Henry Georgeism." How undesirable he deems this outcome is explained in a final chapter on "The Single Tax." His exposition and criticism of the Glasgow bill is clear and forcible, and must have carried considerable weight when first published in the *Glasgow Herald* in the summer of 1899.

¹ *The Cost of Living as Modified by Sanitary Science.* By ELLEN H. RICHARDS. Pp. 121. Price, \$1.00. New York: John Wiley & Sons, 1899.

² By WILLIAM SMART, LL.D. Pp. viii, 125. Price, 2s. 6d. Glasgow: James MacLehose & Sons, 1900.

NO MORE CONCLUSIVE evidence of the world's increasing interest in plans for social improvement could be furnished than is contained in the second volume of Stammhammer's "*Bibliographie des Socialismus und Communismus*."¹ Though this work includes titles of books and articles published between the first of January, 1892, and the thirty-first of December, 1898, together with a few for earlier years overlooked in the preparation of Volume I only, no less than 12,500 items are here enumerated. As in the previous volume, English, French, Italian and Spanish socialistic literatures are catalogued as well as German. English titles are especially numerous, and so far as discovered are exhaustive for the six years covered. Following the author catalogue is a full subject index, which will be found particularly useful to the student entering the mazes of this literature for the first time. As a whole the work is a monument to the patience and accuracy of its justly celebrated author.

HENRY W. THURSTON, head of the department of social and economic science of the Chicago Normal School, has brought out a manual on *Economics and Industrial History for Secondary Schools*,² containing many novel and valuable features. The underlying thought of the book is that elementary instruction in economics ought to concern itself primarily with economic phenomena falling within the pupil's own range of experience, and that he should be taught to observe and collate the facts of his own environment and thus arrive at some of the more general principles of the science. Following out this notion the author has divided his work into three parts: I. Industrial Observation and Interpretation. II. Outlines of the Industrial History of England and the United States. III. Elements of Economic Theory. In using the first part the teacher is recommended in the accompanying *Teachers' Manual* to require the students to make their own observations, which are to be presented in regular reports, and to do their own interpreting under the stimulus of suggestive questions. This is the most valuable part of the book, and will be welcomed even by teachers who prefer to present the subject in a somewhat different way. It rests on sound pedagogical principles, and indicates how economics may be imparted to secondary school pupils free from the dogmatism which usually characterizes such instruction. The second and third parts are less original, but show the same clear grasp of the principle that the concrete should precede

¹ Pp. iv, 404. Price, 13 mark. Jena: Gustav Fisher, 1900.

² Pp. 300. *Teachers' Manual*. Price, \$1.00. Chicago: Scott, Foresman & Co., 1899.

and pave the way for the abstract. As a whole, this work more nearly fulfills the need for a text-book of economics for secondary schools than any that has yet been prepared.

DR. TRAVIS' "History of the Clayton-Bulwer Treaty"¹ gives a full and accurate account of the causes leading up to, and the conditions attending the negotiations of this much mooted instrument. This is followed by an equally detailed history of the controversies to which the convention has since given rise. On the whole the author's conclusions are favorable to the treaty; in the first place because, in his opinion, it kept Great Britain and the United States from going to war over the matter of the control of the isthmus, and secondly, because it provides in the best possible way for the neutralization of the interoceanic canal. Now that England and the United States have at last learned to understand each other and finally come to comprehend the reciprocal provisions of the contract, Dr. Travis thinks they should retain the Clayton-Bulwer Treaty and live up to its terms. The author's attitude is rather that of the accurate historian than that of the political philosopher, and on this account immediate rather than ultimate causes and consequences are emphasized in the argument.

REVIEWS.

Growth of Nationality in the United States: A Social Study. By JOHN BASCOM. Pp. ix, 213. Price, \$1.25. New York: G. P. Putnam's Sons, 1899.

The title of the book is somewhat misleading; it is not strictly a study of the forces which have brought about nationality, but rather a study of the obstacles which these forces had to overcome. The author considers not so much "the growth of national life under the constitution," as "the divisions which were incident to the conditions under which the constitution was formed . . . or which grew up later under its operation" (p. 7). These divisions—obstacles to the growth of nationality, rather than forces which produced it—were of four sorts: (1) Strife between states and the general government; (2) strife between groups of states; (3) strife between departments of government; (4) strife between classes. Besides these subjects, one chapter is devoted to the Supreme Court, and one to a brief summary of the main conclusions.

¹ *The History of the Clayton-Bulwer Treaty.* By IRA DUDLEY TRAVIS, Ph. D. Publications of the Michigan Political Science Association, Vol. III, No. 2. Pp. 312. Price, \$1.00. Ann Arbor, January, 1900.

1. Strife between states and the federal government was the natural result of the reluctance with which the states gave up their semi-independence. At one time and another these conflicts have extended to every part of the country. The whiskey rebellion, the Virginia and Kentucky resolutions, the Hartford convention, the attempt of Ohio to tax the United States bank, the Cherokee troubles, nullification in South Carolina, resistance to the fugitive slave law in Wisconsin, the McLeod case in New York, are reviewed in order, as examples in point. The result has been such that we are "no longer in danger of smothering the national life by local governments" (p. 44).

2. Under the heading, "Strife Between Groups of States," the slavery question is reviewed. From 1789 to 1820, the bearings of slavery became visible and undeniable; 1820-1845 was a period when "the moral convictions of the country were made up;" the third period marked the passing of the "old equilibrium" (p. 51). The author's treatment of the slavery conflict may be briefly stated as follows: The constitution recognized slavery as a local institution, but slavery "defines a social type" so distinct as to involve national character. It cannot live as a local institution; if hemmed in, it dies. Expansion and ultimate possession of the nation was necessary therefore to the very existence of slavery. In this effort it met the expansive power of the free North. A series of compromises were arranged, but since compromises on moral questions cannot settle anything, it was always ultimately a question of all or nothing. In this life and death struggle the South held fast to the letter of the law, in which it was strong; the North depended for justification on profound moral principles which "had been sacrificed in the constitution," and constantly ruled out of order in discussion. An unwillingness to sacrifice the constitution for a great moral principle protracted the struggle unduly; on this rock Webster and Clay split. Not until the newer generation of Seward and Lincoln, who perceived that moral principles were more than constitutions, did the North take a consistent and irrefutable position. The issue was war.

In reconstructing the "subdued states," the safety of the nation "admitted of no other doctrine than that it itself, as expressed in the general government, must settle the terms of peace" (p. 95). Congress acted on that doctrine, though the Supreme Court still held to the "form of things—a form that had broken up and passed away" (p. 96). The Slaughter House decisions have properly restrained the centralizing tendencies set in motion by the civil war.

3. The most important strife between departments occurred during and following the civil war. But the proper relation of departments

was not permanently disturbed. Too much stress has been laid on independence of the departments; harmony is more important.

4. Strife between classes is the "most penetrative" and "inimical to national life" of all. In it we reach the "great disintegrating causes in society" (p. 133). "This is the fundamental question of national life: whether, its terms being advantageously settled, that life can expand under them and a people be thoroughly integrated . . . by vigorous and prosperous growth" (p. 133). The basis of individualism in industry, which has been accepted without question, is freedom of contract; but we are learning that this principle must take on serious limitations, if we are to move freely forward "into those complex states of society in which personal liberty must often be waived in one direction in order that it may be more fully secured in other directions" (p. 136). Some limitations have already been made. The clause in the constitution prohibiting states from impairing the obligation of a contract does not prevent a state from making a bankrupt law (*Ogden v. Saunders*), nor enable a state to grant away essential powers of government (*Charles River Bridge Case*), nor interfere with the power to pass laws relating to the safety, health or morals of the community (*License Cases*), nor prevent the state from fixing maximum rates (*Munn v. Ill.*). This tendency toward a wise limitation of individual freedom has been checked by the courts, (1) by depriving the Interstate Commerce Commission of the right to fix future rates; (2) by denying to the federal government the power to lay an income tax; (3) by usurping legislative power through the use of injunction. These three matters the author discusses at length, criticising the courts severely for resisting the obvious trend of social forces.

The part of the book dealing with conflicts between classes is the most valuable, and of this part the discussion of the work of the Interstate Commerce Commission, the income tax decision, and "legislation by injunction," is the most interesting and forcible. The author's views on questions of governmental activity are well known, and he has made no change in them in his latest book. Exceptions might be taken to the statement that the reaction after the war of 1812, in favor of the national government, "created the Whig party" (p. 33); that the constitutional compromises on slavery were "more sagacious than wise" (p. 48); that Clay (and Webster) "failed" (p. 81); that the gist of the *Dred Scott* decision was that "the black man was possessed of no rights which the white man was bound to respect," and that the decision was "an exhaustive effort to divest the black man of all civil rights" (p. 87). That there is any essential distinction between strife between states and the federal government,

and strife between different sections, in American history, may also be doubted; sectionalism, not stateism, was the basis of most of these struggles. The author leaves the impression that there has been no reaction from the decision in the case of *Munn v. Ill.* (p. 154). That case decided that a state legislature might fix maximum rates and be the sole judge of reasonableness; the court has since assumed for itself the right to determine reasonableness. (*Dow v. Beidelman*, 125 U. S. 680; *Reagan v. Farmers' Loan and Trust Company*, 154 U. S. 362; *Smythe v. Ames*, etc., 169 U. S. 466.)

CARL BECKER.

Pennsylvania State College.

English Political Philosophy from Hobbes to Maine. By WILLIAM GRAHAM, M. A., Professor of Jurisprudence and Political Economy at Queen's College, Belfast. Pp. xxx, 415. Price, 10s. 6d. London: Edward Arnold, 1899.

Early in the present century it became evident to thinking minds that philosophy without science was barren. This was a protest against so-called "speculative philosophy." It led to an eager pursuit of science to the neglect of philosophy. Now, however, the world of thought is coming to recognize the further truth that science without philosophy is meaningless. A renewed interest in philosophical study marks this change. The volume by William Graham on "English Political Philosophy from Hobbes to Maine" is indicative of this new point of view within the domain of politics.

In presenting a system of political philosophy two well-defined courses are open to the writer. He may proceed independently and discuss in their logical order the fundamental problems of government and administration with the object of outlining a complete system of political theory, or he may set forth his own views through a discussion and criticism of the views of those who in the past have written upon the same problems. Professor Graham has chosen the latter method. Through an exposition and criticism of the chief works of the English writers on political philosophy, viz., Hobbes, Locke, Burke, Bentham, J. S. Mill, and Sir Henry Maine, he develops "something like an introduction to political science."

To the author a study of these six thinkers is sufficient for the presentation of all important theories and methods, since their works sufficiently illustrate the different schools of political thought—Conservative, Liberal, Radical, and even Socialist, and at the same time represent the several methods of discovering political truth—induction and deduction.

The several writers named are considered in chronological order. The following books and essays are analyzed: Hobbes' "Leviathan;" Locke's "Civil Government;" Burke's "Reflections on the French Revolution," and "An Appeal from the New to the Old Whigs;" Bentham's "Theory of Legislation," "Principles of Morals and Legislation," and "Plan of Parliamentary Government;" Mill's "Representative Government," and Book VI of his "Logic;" and Maine's "Ancient Law," "Early History of Institutions," and "Popular Government." The author's analysis of these books and essays is well done. Indeed it is herein that his volume is most successful. He has produced a very satisfactory manual of English political philosophy. His criticisms are sane, wholesome, and suggestive. His estimates and comparisons are on the whole fair and just.

But Professor Graham is not so successful in presenting his own system of political theory. Perhaps it is impossible for him to make his views clearer through a discussion and criticism of the views of others. I am inclined to regard this as quite true. The fault, therefore, is not with the author, but with the method he employs. What is needed at present in the study of political philosophy is an outline of a system of pure political theory—a comprehensive statement and treatment of the fundamental problems of politics. This should precede the discussion of the history of political philosophy. For before one is competent to pass judgment upon the answers of others, one must first take an independent stand with respect to the fundamental problems of politics. Students of political philosophy would welcome another volume from Professor Graham, dealing more especially with his own system of thought.

BENJAMIN F. SHAMBAUGH.

University of Iowa.

Studies in State Taxation, with particular reference to the Southern States. By Graduates and Students of the Johns Hopkins University. Edited by J. H. HOLLANDER. Johns Hopkins University Studies in Historical and Political Science. Series XVIII. Nos. 1, 2, 3, 4. Pp. 253. Baltimore: Johns Hopkins Press, 1900.

This book, as we are informed in the preface, had its origin in a series of informal class reports, prepared by students of Johns Hopkins University in connection with a course of graduate instruction upon American commonwealth finance. The result is a collection of five monographs upon the system of taxation in as many different states. The list includes Maryland, North Carolina, Kansas, Mississippi and Georgia.

The subject of state taxation would seem to be one to which this

method of co-operative class room investigation can be advantageously applied. We have here a good general account of the systems of taxation in the states studied. Each writer begins with some description of the economic conditions of the state which he selected, then proceeds to sketch the historical development of taxation, and concludes with a descriptive and in some degree critical account of the present tax system. The monographs, as would be expected, vary somewhat in merit and importance; but taken altogether they are well written and constitute a valuable contribution to the literature of the subject. They add to the material for a comparative study of the systems of state taxation and broaden the basis for inductive generalizations.

At the same time we are disposed to believe that the value of this work could without great difficulty have been considerably enhanced by making these investigations more thorough and critical. We feel some hesitancy, however, in suggesting this criticism; for it is not easy to define in advance the practical limits of an investigation or to determine from the result whether an investigator has fully utilized the opportunities and materials which were available. Each of the contributors to this work, we are told, selected for his field of study his own state or some state with whose economic conditions he was in a measure familiar. This was certainly a favorable circumstance. But in general it does not appear that the writer's local knowledge added very much to the value of his work. There are not many indications of attempts to gather information by personal inquiries in regard to the practical administration of the different taxes, or to go back of the statutes in tracing their origin, or beyond official reports in studying their operation and effect. But the lack of investigations of this nature does not preclude the possibility of reaching results and conclusions which are of value; and so far as one can judge from reading these monographs the writers have at any rate made a careful study and discriminating use of the statutes, official reports and other published materials. The results of their labor are well worthy of publication and are certain to be gratefully appreciated by all those who are interested in the subject of taxation.

In the tax systems of these states the main reliance is upon the general property tax. In Maryland, however, this tax contributes only about 30 per cent of the total tax revenue, or, if we include the tax on the stock of corporations, about 42 per cent. In the other states the proportion varies from about 66 to over 90 per cent. As regards the taxation of personal property there is, as would be expected, a general complaint of evasion and defective assessment. The writer of the monograph on taxation in Maryland is, however, of the opinion that

the escape of personal property is commonly much exaggerated, and he ventures the assertion that in that state personal property is assessed much nearer its true value than real property. The reasons which he offers in support of this opinion are suggestive and worthy of consideration, although they do not appear to be conclusive.

Of the taxes which supplement or accompany the property tax, license taxes appear to be the most productive. While some of these, like those on the liquor traffic, partake of the nature of sumptuary measures, others are purely fiscal imposts; and there seems to be a tendency to make a more extensive use of this form of taxation for purposes of revenue alone. The system of license taxes in Mississippi and North Carolina has recently been very much extended. In the former state over 119 different occupations are now subject to a license tax, and in North Carolina an act passed in 1898 has applied this tax to all persons engaged in buying and selling merchandise and to dealers in wood and coal, lumber, fresh meats, real estate, etc. Usually this tax is a fixed annual payment unaffected by the size of the business. But in some cases it is regulated by the population of the town in which the trade is carried on; the merchants' tax in North Carolina is dependent upon the amount of capital employed. Such taxes as these remind one of the French *patentes*, and suggest an approach to a general system of business taxes.

The poll tax seems to play a rather important rôle in these southern states. In Mississippi its productivity is relatively large; it contributes about one-fourth of the total tax revenue; and in Georgia and North Carolina it stands next to the property tax in productivity. It would seem probable, however, that in Georgia license taxes will be found to have attained the second place when the result of their recent extension becomes known. It seems that the poll tax in the southern states is something more than a fiscal resource. If one may judge from the case of Mississippi it has a political significance which the student of finance who was unfamiliar with social conditions in the South might overlook. In that state the poll tax is "a means of disqualifying the negro in national elections and controlling his vote in local elections." This makes it "more important as an adjunct of suffrage than as a source of revenue."

Maryland seems to be the only one of these states which has made much use of distinct taxes on corporations. This state imposes a tax on the gross receipts of certain classes of corporations, including railroad, telegraph, telephone, express and safe deposit companies; a license and premium tax on insurance companies; a franchise tax on savings banks, etc. The tax on the capital stock of corporations is simply a distinct method of assessing and collecting the property tax.

The inheritance tax is found only in Maryland where it has been levied since 1845. North Carolina introduced this tax at about the same time, but abandoned it in 1874. Another inheritance tax was adopted in 1897, which for some reason proved unsatisfactory and was repealed two years later.

North Carolina is exceptional in having recently introduced an income tax to supplement the property tax. The intention of the statute seems to have been to include all income except that derived solely from property already taxed. But in administering the law a narrow interpretation has been given to it, and the tax seems to be confined to salaries, professional fees and interest from United States bonds. The assessment has proved very defective, and the tax has yielded less than four thousand dollars.

J. A. HULL.

Washington, D. C.

The Economic Writings of Sir William Petty, together with Observations Upon the Bills of Mortality, More Probably by Captain John Graunt. Edited by CHARLES HENRY HULL, Ph. D. Two volumes. Pp. xci, 313+387. Price, \$6.00. Cambridge: University Press. New York: The Macmillan Company, 1899.

Professor Hull's edition of Petty's "Economic Writings" more than fulfills the expectations of his brother economists. Not only has he supplied reprints of Petty's previously published economic tracts, verified in most instances by comparison with the original manuscripts, and of Graunt's "Natural and Political Observations Upon the Bills of Mortality," but he has added "The Treatise of Ireland, 1687," not hitherto printed, and enriched the whole with a wealth of biographical and bibliographical detail that does honor to his accurate scholarship. Perusal of the editor's contributions to these two volumes leaves the reader with the pleasant impression of having made an excursion into the seventeenth century and actually talked with Petty and his friends. Nor is this impression marred by extravagant hero worship on the part of his guide. Though Dr. Hull does, in one place, suggest a parallel between Graunt as a statistician and Columbus as a navigator, he is usually calm and judicial to a degree. He recognizes that Petty "is frequently inaccurate in his use of authorities and careless in his calculations, and (that) upon at least one occasion he is open to suspicion of sophisticating his figures."

The editor's "Introduction" (78 pp.) is divided into seven chapters, as follows: "Petty's Life," "Graunt's Life," "The Authorship of the Observations upon the Bills of Mortality," "Petty's Letters and

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Other Manuscripts," "Petty's Economic Writings," "Graunt and the Science of Statistics," and "On the Bills of Mortality." Then follow in chronological order reprints of Petty's economic tracts. The first, "A Treatise of Taxes and Contributions" (97 pp.), is described as the author's masterpiece, than which "English economic literature before Hume can show no tract of such range and force, characterized by such wealth of suggestion and such power of analysis." The "Quantulumcunque Concerning Money," (11 pp.), which follows Graunt's "Observations" in the second volume, is regarded as his next most important work, showing the author "very nearly at his best." Concluding the second volume are a "Bibliography of the Printed Writings of Sir William Petty," supplemented by the bibliography drawn up by the author himself before his death, a "List of Books and Manuscripts Used," and a twenty-seven-page index.

Both Petty and Graunt were born in humble circumstances, the one in Romsey in 1623 and the other in London in 1620. Of Graunt's life little is known beyond the fact that he was a successful and respected merchant of London down to the time of the great London fire in 1666, which caused his financial ruin and probably hastened his death in 1674. He and Petty were intimate friends before the publication of the "Observations on the Bills of Mortality," in 1662, and it is more than likely that Petty "edited" this justly famous tract. How the belief that Petty was its author gained currency, and the slight foundation upon which this belief rests, are clearly explained in the chapter on "The Disputed Authorship," reprinted in part from the *Political Science Quarterly*. The tract is included in this edition of Petty's writings partly because the authorship is disputed, but chiefly because of its intimate connection with Petty's writings on "Political Arithmetic," and because it is not otherwise accessible to the ordinary reader. In Dr. Hull's opinion, Graunt's pamphlet is "superior as statistical writing to any of Petty's works." It is not calculation or "political arithmetic," but "statistics." So important does the editor deem this pamphlet that he devotes a chapter to the discussion of its relation to the science of statistics and concludes that Graunt, rather than Süßmilch, deserves the credit of having originated that science.

Petty's career was much more varied and brilliant than that of his friend. Shipping as cabin boy, on an English merchantman in his fourteenth year, he had the misfortune to break his leg. This led to his being landed at Caen, where the Jesuit fathers took an interest in him because of his proficiency in Latin and admitted him to their college. Returning to England after completing his education, he spent some months in the royal navy. In 1643 he again crossed the

channel and began the study of medicine at Utrecht. On his next return to England he was an accomplished physician, and by 1650 rose to the position of Professor of Anatomy at Oxford. The reputation he made for himself there doubtless led to the appointment, two years later, to the position of physician of the army in Ireland, which had a determining influence on his life. He remained in Ireland seven years on his first visit, and in that time made his reputation as administrator and man of affairs and laid the foundations of his ample fortune. The estates which he acquired during this sojourn permanently attached him to Ireland, and led him to obtain the intimate knowledge of its political, social and economic conditions so conspicuous in his writings. Meantime he retained his lively interest in the progress of science and discovery. When the "Royal Society for Improving of Natural Knowledge" was incorporated at Oxford in 1662, he was named a charter member of its council, and from that time on he was a frequent contributor to the papers of the society.

Though his title to his estates was confirmed by royal charter at the time of the restoration, Petty found himself involved in numerous lawsuits growing out of the exactions of the farmers of the Irish revenue. It was this experience that turned his attention to questions of taxation, and led to the publication of "A Treatise of Taxes and Contributions" in 1662. In 1664 he wrote his *Verbum Sapienti*, which was printed after his death in 1691 as a supplement to his "Political Anatomy of Ireland," written in 1672. His marriage in 1667 to the beautiful and accomplished widow of Sir Maurice Fenton "whose tastes were as elegant as his were simple," turned the current of his life from study and affairs to social matters. From this time on he spent more time in London and seems to have been in closer relations with those about the court.

Of Petty's other writings, the "Political Arithmetic," written in 1676, was widely circulated in manuscript, though not printed until after his death. The same was true of his *Quantulumcunque concerning money*, 1682. His later essays in "Political Arithmetic," written at odd times from 1681 till 1684, were, with the exception of two, also published posthumously. His last work, "The Treatise of Ireland," completed only three months before his death in 1687, was not published along with his other tracts, partly because of its unfinished state and partly for political reasons. In printing it with this edition of Petty's writings Dr. Hull supplies a brief analysis which makes its contents more intelligible if still not altogether clear.

From these facts in regard to the publication of his economic writings it appears that pride of authorship was not one of Petty's characteristics. He seems to have taken little interest in the printing of

even his more important tracts, and in his correspondence he usually refers to them as minor incidents in his busy and varied life. Happily his cousin, Sir Robert Southwell, had a higher regard for Petty's writings than the author himself. Most of the manuscripts of Petty's works and of his letters that have come down to us owe their preservation to the care with which this admirer collected them after Petty's death and transmitted them to his descendants.

The editor's analysis of Petty's economic theories shows that he was a cameralist rather than a mercantilist. He differed from his contemporaries, not so much in having juster views in regard to foreign trade as in directing his attention to different and more vital considerations than those connected with the "balance of trade." The problem which engaged his thought was how to measure the wealth and power of the kingdom. He saw that "hands were the father as lands were the mother of wealth," and hence attempted to make an accurate calculation of the population of the country. To reduce "hands" and "lands" to a common denominator he adopted the ingenious expedient of capitalizing labor incomes, to determine the value of the population, in the same way that rents are capitalized to determine the value of land. Inaccurate as were his conclusions, he never wavered in his desire to make "political arithmetic" an exact science. It was this ideal, rather than what he accomplished, that marks him as in advance of his age.

Of his method Petty himself says: "The method I take is not yet very usual, for instead of using only comparative and superlative words, and intellectual arguments, I have taken the course (as a specimen of the political arithmetic I have long aimed at) to express myself in terms of *number, weight or measure*; to use only arguments of sense, and to consider only such causes as have visible foundations in nature, leaving those that depend upon the mutable minds, opinions, appetites and passions of particular men to the consideration of others." His purpose was thus to apply to social investigations the method which Bacon had proposed for the natural sciences. In making such application he chose Ireland "as a political animal who is scarce twenty years old; where the intrigue of state is not very complicate, and with which I have been conversant from an embrion," for the same reason that "students in medicine practice their inquiries upon cheap and common animals and such whose actions they are best acquainted with, and where there is the least confusion and perplexure of parts." Nothing could illustrate better than this quotation the scientific attitude of mind in which he approached his social studies.

Besides originating an exact method of research Petty enriched his tracts with many fruitful observations. Thus he enunciated clearly

the labor theory of value and applied it in a peculiar way to the explanation of land rent. He recognized interest as an important share of social income, and accounted for it in part as remuneration for risk and in part as compensation for the inconvenience of putting one's wealth out of one's own control. On the subject of taxation he entertained views far in advance of his day and still worthy of consideration. But more important than the method employed by the author or the theories that he advanced is the large amount of information in regard to conditions in England and Ireland in the seventeenth century contained in "Petty's Economic Writings." No student of the history of the period can afford to neglect these sources of contemporary evidence, and every such student must feel grateful to Professor Hull for the admirable manner in which he has performed his editorial task.

University of Pennsylvania.

HENRY R. SEAGER.

First Principles in Politics. By WILLIAM SAMUEL LILLY. 8vo. Pp. 322. Price, \$2.50. New York: G. P. Putnam's Sons, 1899.

Mr. Lilly has long been known as a writer of clear English, and a thinker of considerable power. A work, therefore, from his pen, and bearing the title *First Principles in Politics*, is assured a welcome from all interested in political speculation. The inquiry to which Mr. Lilly addresses himself is not so much a search for the true nature of political authority and its justification, as a statement of the fundamental principles of conduct which, from the standpoint of transcendental ethics, should govern statesmen in their administration of public affairs. The absence of controlling ethical motives, Mr. Lilly believes to be characteristic of the age. "Oh for a statesman," he quotes from Coleridge, "Oh for a statesman—a single one—who understands the living might in a principle." Whether this indictment in all its comprehensiveness, be a true one or not, there is certainly a sufficient need for such a work as Mr. Lilly has given us.

The starting point of the argument is that the ethical criterion of an act is its congruity or incongruity with man's moral nature. Natural rights, properly so-called, are such as are necessary to the individual for the development of his ethically best self. The fact that man is able to secure his best development only in a political society both explains and justifies the existence of the state, and the activities of the state should be determined by this fact. "The end of the state, both for itself and its subjects, is what Aristotle calls *εὖ ζῆν*: noble or worthy life; a complete and self-sufficient existence; the development of its own personality, and of the personalities of its subjects, under the law of Right." This is the substance of the first four chapters.

Under the title "The Mechanism of the State," Mr. Lilly considers the old question of the best form of government, and comes to the obvious conclusion that that form of political organization is best which, under existing objective conditions, is best calculated to secure the ends for which political power should exist. This, however, leads him to a scathing, but fully justified, criticism of that doctrine which declares that government by simple numerical majorities is both just and representative. "A representative government," says our author, "as its name implies, should represent all the elements of national life, all the living forces of society, in due proportion." Equal voting is not simply inexpedient; it is *unjust*. "It is unjust to the classes, for it infringes their right as persons to count in the community for what they are really worth, it is 'tyrannously oppressive of the better sort.' It is unjust to the masses, for it infringes their right to the guidance of men of light and learning, and subjects them to a base oligarchy of vile political adventurers. It is unjust to the state which it derationalizes, making it—to borrow certain pregnant words of Green—'not the passionless expression of general right, but the engine of individual caprice, under alternate fits of appetite and fear.' Professor Sybel is absolutely well warranted when he tells us . . . that the Rousseauian theory, which is, so to speak, incarnate in false democracy, 'raises to the throne, not the reason which is common to all men, but the aggregate of universal passions.'" Corruption is a necessary result from false democracy. To a demonstration of this fact the sixth chapter is devoted.

In a final chapter, entitled "The Sanctions of the State," Mr. Lilly considers especially the rational grounds upon which crime should be punished. After a contemptuous reference to the views of the new school of criminal anthropologists, and a reaffirmation of man's moral freedom and responsibility, he declares the infliction of legal penalties justified, not primarily by considerations of social utility, but as legitimate retribution upon the offenders. "The first function of punishment is to punish, to vindicate the majesty of outraged justice, to dissolve that *vinculum juris* to which crime gives rise, by meting out to the transgressor his due. Its second function is to deter the offender from repeating his offense and others from imitating it." Mr. Lilly has good company in this—Fitzjames Stephen and W. C. Bradley, for instance—but we believe the position an indefensible one and absolutely inconsistent with the general ethical premises which transcendentalists accept. The writings of T. H. Green have sufficiently shown this.

Summing up, then, we may say that while not presenting anything that is distinctively new, Mr. Lilly has yet performed a valuable ac-

vice in rendering explicit those criticisms of our political life implied in the system of ethics which he upholds and which we believe to be the essentially true one.

The book contains what is most acceptable in any speculative work, a careful summary, the consecutive paragraphs of which are so arranged that the language as well as the thought is continuous.

W. W. WILLOUGHBY.

Johns Hopkins University.

The United Kingdom: A Political History. By GOLDWIN SMITH.
Two volumes. Pp. x, 650, 482. Price, \$4.00. New York: Macmillan Co., 1899.

Notwithstanding the somewhat unfamiliar title of Mr. Goldwin Smith's latest work, "The United Kingdom" is almost exclusively a history of England; and, as if to anticipate the rather querulous demand of critics as to the need of another history of England, the author offers in the preface this simple word of explanation: "The limited aim of these pages is to give the ordinary reader, so far as was in the author's power, a clear, connected and succinct view of the political history of the United Kingdom as it appears in the light of recent research and discussion." The special student who opens the volumes in search of new historical data, fresh ore from old mines, will find little to tempt him, for neither foot-notes nor marginal references point to the sources of the author's information. While secondary authorities have been freely used, the result is not a piece of mechanical book-making, but a brilliant commentary on the course of English history as it appears to a life-long student of English politics.

Although the undisguised purpose of Mr. Goldwin Smith to tell only the political story of England frees his work from comparison with Green's "Short History of the English People," whose scope is so largely social, the query arises whether the political life of the English nation can be understood without insight into those social changes, of which, as Mr. Green maintained, political history is so largely the outcome. But while it is true that Mr. Goldwin Smith has limited his view to the political side of the nation, he has not allowed himself to write a mere drum and trumpet history, nor a history of court intrigue. His work is both dignified and serious, and he has not left the social and intellectual aspects of English life wholly untouched. Even though the outburst of national spirit in the Elizabethan literature receives only passing notice and the influence of Methodism on national life is dismissed with a single word of comment, it is only fair to add that those light, hasty touches are singu-

larly skillful and luminous. The under-current of English social life is by no means lost sight of, even when it flows quietly and peacefully beneath the throne of the new monarchy; but the stress of the author's labor has been put upon the interpretation of national life as it has expressed itself in political institutions.

From the circumstance of his long residence outside of England it might well be thought that Mr. Goldwin Smith would bring to his work a less ardent advocacy of all things English than that which characterizes too many English historians on native soil, and the supposition is confirmed by the candid spirit that pervades the two volumes. There is a refined patriotism throughout that does not hesitate to mete out praise and blame to those who have made English history, and one marks withal a certain breadth of vision that does much to rectify the all too prevalent view of the isolation and unique character of many phenomena in the course of English politics. Actors on the stage of English history gain rather than lose by being placed side by side with their contemporaries on the continent.

And yet, with all this cosmopolitanism, the author remains English at heart and English in his conviction of his country's mission to solve "the problem of constitutional government." So obvious seems this world-mission that Englishmen are prone, as one of their most eminent historians has said, "to claim empire as their due, often with scant consideration for the feelings and desire of other peoples." Mr. Goldwin Smith has only regret that Scotland did not succumb to English arms in the age of the Edwards, "so clearly in the interest of both countries was the policy of union." The defeat of Bannockburn "ended for many a day the hope of a united Britain;" the outcome was "retarded civilization on both sides." Hardly a suggestion has our author that the Scotch people were fighting for their independence with a national pride as ardent as that of the first Edward himself; not a thought of what subjugation might have meant to this high-spirited people and to their conquerors. The rightfulness of the ultimate end is so clear in the author's mind that he winks at the means which the English Edwards chose to unite Scotland to England.

The work suffers somewhat from condensation. In view of the long discussion over the survival of Roman institutions on British soil, it seems somewhat dogmatic to say that "of the Roman empire remained only the great military roads," and that "the English nation and polity were a fresh and purely Germanic birth." The student of English institutions will hardly be satisfied with the author's account of "Old English Polity." A more careful estimate of the early English kingship would perhaps have saved our author from leaving the

impression that William the Conqueror was only "a mighty robber," and that the Norman conquest was a very dubious blessing in disguise. It is hard to understand why the author, after disposing of the vexed question of the motives of Henry VIII. in desiring a divorce from Catharine with the remark that it is "alike insoluble and unimportant," should devote a long paragraph to the unsavory history of Anne Boleyn.

Notwithstanding these occasional lapses Mr. Goldwin Smith has given new evidence in these two volumes of his extraordinary gift of concise and pithy statement, as well as of his keen sense of proportion and historical perspective.

ALLEN JOHNSON.

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Principles of Scientific Socialism. By Rev. CHARLES H. VAIL. Commonwealth Library. Pp. 237. Price, \$1.00; paper, 35 cents. New York: Commonwealth Company, 1899.

A History of Socialism. By THOMAS KIRKUP. Pp. vi, 364. Price, \$2.00. London: Adam and Charles Black, 1900.

Mr. Vail's purpose is to demonstrate that modern socialism "is scientific and rests upon a historical, economic and scientific basis. To explain the principles of modern socialism and aid in better understanding of the subject." . . . This simply means that after an inadequate sketch of the "industrial revolution," we have eight chapters of Karl Marx diluted and three scattering chapters on the "advantages of socialism," "evidences of the moral strength of socialism," and "popular economic errors." There is no evidence that any part of the Marxian mantle has fallen upon the author, who is ignorant of history and whose attitude of mind is anything but scientific, while his acquaintance with economic thought leaves him prejudiced against "our present cannibalistic system of industry." (p. 101.)

That socialistic theories must undergo the rough-hewing of continual controversy, discussion and criticism is the guiding thought of the second book which forms the subject of this notice, and, we may add, it is a great pleasure to welcome a new edition of Mr. Kirkup's work. Two chapters have been added, the one on "The German Social Democracy," and other matter bringing the account nearer to our own times. In this work we realize something of the meaning and significance of the socialistic movement, its place in history and the issues to which it is tending. Here we have emphasized what Mr. Vail conspicuously neglects, that socialism is not wedded to any

stereotyped set of formulas, whether of Marx or any other, and that it has shown a tendency to degenerate into a stiff orthodoxy, which seeks to apply narrow and half-digested theories, without adapting or even reasonably understanding them, to circumstances for which they are not suited.

Whatever claims socialism makes to represent the aspirations after a better life of the toiling and suffering millions of the human race are well sustained in this new edition of Mr. Kirkup's scholarly and practical work.

JOHN L. STEWART.

Lehigh University.

The Story of France, from the Earliest Times to the Consulate of Napoleon Bonaparte. By THOMAS R. WATSON. Two vols., pp. xv, 712; x, 1,076. Price, \$5.00. New York: The Macmillan Company, 1899.

Mr. Watson, in his preface, lets us into the secret of his preference for French history. France is a type of what humanity has done and suffered. She has sounded all depths, has boxed the compass of political and social experiment. Nowhere else have changes been "more frequent, more radical, more sudden, bloody and dramatic." Of good she has possessed the best, of ill the vilest. Such an embarrassment of riches might discourage a fainter heart, but Mr. Watson advances to the task without misgivings.

It may be questioned, however, whether the author's preparation for the task has been of the kind which modern historical writing exacts. The work gives little evidence of ripe scholarship or of that careful scrutiny of conflicting accounts which is necessary for the elaboration of a judgment worth recording. There are long stretches of narrative that might have been adapted from the book nearest at hand, with just a dash of lurid eloquence to change its flavor. Throughout the whole the author's individuality is expressed rather in eccentricities of style than in the substantial results of wide reading and deep reflection.

Such is the impression received from reading the first volume at the time of its appearance. The second volume was looked forward to with interest. From what was known of the author's personality, it was felt by many that here would be found the justification for the work; that the first volume, in spite of its seven hundred pages, was little more than a running start; that in the treatment of the Revolution, with its wealth of economic and social suggestion, the author might find his opportunity.

But expectation of this sort was wasted. The second volume, to be sure, is better done. It shows more thought, more reading; but its

treatment of the facts is the conventional one. It has no point of view. Robespierre is toned a little. In this the author has picked up a thread of modern tendency; but this is all. The associates of Robespierre are the same old band of battered villains; and Vadier, who has already suffered enough on paper to earn him paradise, gets a thwack, *en passant*, as "perhaps the most venomous moccasin to be found in the whole Convention," not a small distinction, as the rest of them are fitted out.

Mr. Watson's sins, however, are not alone sins of omission. Whatever be its purpose or the place which the work is intended to fill, the method of its presentation is in flagrant disregard of much that modern historical writing seeks to accomplish. In his struggle for the dramatic, Mr. Watson loses his sense of realism. He burns his red lights in every scene. His pictures are of times that never were by land or sea. His villains are black as night, his saints are spotless. He has no greys and browns. In the times of which he writes almost any occurrence was sufficient, it seems, to stir the volatile French nature to its depths. It is rather the rule than the exception that "terror, confusion, boundless wrath seized the people and delirium raged for hours." At frequent intervals France is devastated. After a few years of an expensive and licentious sovereign the country is as bare as if twin cyclones had promenaded through the land; but fortunately for the reader, who is looking forward to a century or two of absolute want, the scenes are reset in the following chapter and the new king finds as fair a field as ever for his exploitation.

Mr. Watson's style has been variously described as vivid, dramatic, clear, crisp and witty. It is all of these, and more. His method of presentation is said to resemble that of Guizot; but, as a matter of fact, the author of "The Story of France" has been most influenced by Carlyle. There is but one Carlyle in the writing of French history, and the demand is more than satisfied. But of all literary men who have found history a good subject for the exercise of their art, Carlyle is surely the most dangerous to follow.

Mr. Watson's work may find a public, for it is readable; but it has serious faults and no instructor who is in sympathy with recent ideals in historical writing is likely to recommend it to his classes. The appearance of the work, however, has proved an event of interest in the history of publication. It has caused much discussion and has had the effect of reconstructing opinions formerly entertained as to the value and reality of the preliminary processes which a manuscript is supposed to undergo, previous to its acceptance at the hands of a discriminating publisher.

MERRICK WHITCOMB.

University of Pennsylvania.

The Expansion of England (1500-1870). By WILLIAM HARRISON WOODWARD. The Cambridge Press Series for Schools and Training Colleges. Pp. x, 376, with seven maps. Price, 4s. Cambridge: University Press, 1899.

This short history of British expansion is announced as prepared for the Queen's Scholarship Examination, 1900. While creditable as a book of its sort, one can but feel that attention to it should come rather from the subject with which it deals than otherwise. New industrial conditions, with the revival of interest in colonial questions in Germany, France, England and latterly in the United States, have created a new demand for such works as the one under review. English historians have long found their chosen field in internal development or continental relations, to the neglect of the empire. Mr. Woodward laments that Englishmen are still so phlegmatic in dealing with the story of their great dominion, and pertinently says that if Germany had England's history, imperial affairs would occupy a central position in the scheme of national education. We are reminded that it was reserved to an American—Captain Mahan—first to interpret to Englishmen their own history; but, in a larger sense, the tendencies of the closing quarter of the century have thrown new light on industrial, commercial and colonial affairs. A new interest has been aroused attended by a goodly number of works on colonial subjects.

Our author distinguishes between a manual and a text-book, the former merely furnishing information, while the latter is declared to have the threefold purpose of stimulating to further inquiry, of guiding to the classification of material, and shaping conclusions about this same material. If in addition to furnishing a certain minimum of information, a text-book would meet these other requirements, it would be a consummation for which teachers of history in schools and colleges would render most sincere thanks, but unfortunately the work under review fails when tried by the standard of its author. He has written with a good knowledge of his subject, and has told the story simply and compactly, but he leaves the impression that the story is told. The work has the *ex cathedra* characteristic of the average historical text-book. In the opening there is furnished a brief list of recommended books, but aside from this there is scarcely an indication of the existence of other works on the subject. There is also a sad lack of that broader point of view which sees different explanations and interpretations of events, and which, as all teachers know, stimulates interest and directs students to other works dealing with the subject.

Mr. Woodward's book is a manual of information, well

digested and arranged in an orderly fashion. It would seem admirably suited to one who wished to obtain in brief compass, the narrative of the empire from the beginning, of the sixteenth, to the latter part of the nineteenth century. In contrast, it occupies the middle ground between Besant's "Rise of the Empire," and Story's "The Building of the British Empire." Indeed were it a little livelier in style it might well supplant the latter two-volume work, in the "Story of the Nations" series. Although there is an absence of foot-notes or references, one traces among others Mahan's "Influence of the Sea Power Upon History," Egerton's "Short History of the British Colonial Policy," Corbett's "Drake and the Tudor Navy," Lucas' "Historical Geography of British Colonies," and Lecky's "England in the Eighteenth Century," but it is to be regretted that in the body of the work there is lack of acknowledgment of and direction to these more important treatments.

CHESMAN A. HERRICK.

Philadelphia.

NOTES ON MUNICIPAL GOVERNMENT.

AMERICAN CITIES.

New York City.¹—*The Police Department.* Early in March the newspapers made elaborate and repeated charges that policy shops, poolrooms and gambling houses were running freely, and under a complete system of official protection. It was charged explicitly that a "gambling commission," consisting of two state senators, the head of a city department, and the head of the "poolroom syndicate," extended the necessary protection in return for regular tribute amounting in the aggregate to three million dollars a year. Tammany officials, from the district attorney to the police captains, declared their intention to suppress all violations of law, and their ignorance of such violations. The unlawful industries in question were generally suspended; and a few unimportant arrests made. The mayor took occasion at a public hearing before him upon a bill passed by the legislature to declare that the city of New York was the cleanest and most moral city in the world, and that those who suggested that either its streets or its morals were open to criticism were public enemies. The police emphasized their declared intention of purifying the unclean, by arresting the leaders of the orchestras in several of the large and perfectly respectable hotels, under pretence that the law as to disorderly places applied to these hotels. The March grand jury, however, took up the matter with vigor; and on the thirtieth of March made its presentment. This document set forth that, while the grand jury had not been able to find indictments against any public official holding an important office, the condition was such as the newspapers had described. The conclusion of the grand jury was stated in the following language: "We do charge and present that in their relations to these places (disorderly places) the officials of the police, from the roundsmen to the commissioners, are guilty of criminal ignorance and criminal negligence." The presentment set forth the difficulties that the grand jury had encountered in the failure of the district attorney to co-operate with it.

The Third Avenue Railroad Company. The startling disclosures made in February of the insolvent condition of the Third Avenue Railroad Company afford a remarkable illustration of the danger to property inherent in a municipal government such as that of New York. While the affairs of that company have not been thoroughly ventilated,

¹ Communication of James W. Pryor, Esq., Secretary City Club, New York City.

and while it is commonly said that the whole truth will never be permitted to see the light of day, the reports thus far made by the receiver, and the facts otherwise established make it perfectly clear that at least one reason of the disaster was the controlling influence of politics in the awarding of contracts, the purchase of supplies, and the appointment of employes. The March grand jury began an investigation of this matter, and recommended that it should be continued.

Rapid Transit. After years of discouragement, the people of the Borough of Manhattan find it hard to realize that rapid transit is now a legally accomplished fact. The contract for construction has been finally awarded, and preliminary work has been begun. On Saturday, the twenty-fourth of March, the formal ceremony of breaking ground took place in City Hall Park, the mayor turning up the first spadeful of earth in the presence of a vast crowd. The rapid transit commissioners have under consideration the question whether it is not desirable to construct galleries for pipes, etc., in connection with the tunnel.

The Legislature. The session of the legislature which began in January and ended on the sixth of April, produced the usual enormous crop of bills relating to New York City. The fact that the city has a so-called charter which is only two years old seems to invite rather than to discourage attempts to tinker with the law relating to the city. About one hundred and seventy-five bills to amend the charter expressly, were introduced during the session, and scores of others, not in form amendments to the charter, would in effect amend that instrument. The legislature has shown that reluctance to pass important bills which always characterizes a legislature in a presidential year. Bills designed to avert the danger that the city would have the Ramapo water contract fastened upon it, and other bills of immediate importance to the city, were passed only under the spur of special messages from the governor. The newspaper correspondents and other observers agree that the interests of this city were seriously menaced in the legislature by a well-defined understanding between the two machines; but upon the whole it may be said that the city has not suffered greatly.

Franchise Tax. The state tax commissioners have made their preliminary valuation of the street franchises in the city of New York, for the purpose of taxation under the "special-franchise tax" law passed last year. Under this law the bare franchise is to be valued and taxed as land. The valuations which have been made are subject to reduction, and the tax commissioners will hear such arguments as the corporations affected may advance in favor of reduction. The

aggregate of the preliminary valuations for the city of New York is about two hundred and sixty million dollars. This includes franchises and all other real property which belongs to the owners of franchises, and which is to be taxed as real estate. The last valuation of the real estate of these owners was about seventy-one million dollars. The increase, apparently applicable to the franchises now included, is about one hundred and ninety million dollars. At the tax rate of 1899, which was 2.48, this would mean an increase of nearly five million dollars in the amount of taxes levied upon the property of these owners.

The following are the valuations found upon the larger corporations, and the last assessments of property in streets by local assessors:

GREATER NEW YORK.

Corporations.	Last Assessment.	Franchise Valuations.
Brooklyn Heights system	\$7,660,000	\$30,766,770
Manhattan Elevated	27,945,000	55,499,300
Metropolitan system	5,030,000	62,068,930
Third Avenue system	2,174,750	19,728,100
Harlem Steam	4,175,000	12,192,000
Brooklyn Union Gas	2,865,000	9,516,170
Consolidated Gas	5,635,000	15,828,600
Standard Gas	1,419,000	3,439,790
New York Mutual Gas	735,000	2,703,110
New Amsterdam Gas	1,775,000	5,561,750
Edison Electric of New York	2,404,000	9,111,298
Miscellaneous Corporations	9,100,275	34,157,188
Totals	\$70,918,025	\$260,573,006

BUFFALO.

Bell Telephone Company of Buffalo . . .	\$325,000	\$647,000
Buffalo Gas Company	1,075,000	2,191,000
Buffalo Natural Gas Fuel Company . . .	275,000	1,342,198
Buffalo and Rock City Pipe Line	8,100	18,100
Cataract Power and Conduit Company . .	5,000	560,000
Buffalo Railway Company	710,540	2,631,804
Buffalo Traction Company	162,180	554,580
Crosstown Street Railway Company . . .	550,575	2,455,735
Buffalo General Electric Company	298,735	1,875,622
Totals	\$3,410,130	\$12,276,039

ROCHESTER.

Corporations.	Last Assessment.	Franchise Valuations.
Brush Electric Light Company	\$10,475	\$350,500
Central Light and Power Company . . . . .	. . . . .	500
Citizens' Light and Power Company	33,000	76,000
Home Telephone Company . . . . .	. . . . .	25,000
Rochester District Telegraph Company . . . . .	. . . . .	6,500
Rochester Gas and Electric Company	305,125	1,751,000
Rochester Railway Company	394,175	2,057,000
Rochester and Lake Ontario Railway	17,000	25,000
Totals	\$759,775	\$4,291,500

Pittsburg.¹—*Municipal Accounts.* The defalcations discovered some years ago in the city attorney's office were attended by some unpleasant surprises for the directing class of politicians. One of them, who is a large contractor, found that he had been paying interest to the city attorney on amounts loaned to him from moneys collected on city liens and unlawfully withheld from the city treasury. Had the moneys been turned into the city treasury as required by law, more than the amount of his loans would have been paid to him for work done for the city. The need of a more thorough system of municipal accounting was thus so strongly impressed upon the party managers that they picked a candidate for city controller purely upon consideration of business qualifications for the office. The new controller, Mr. Joseph E. Lewis, although he had held for many years a subordinate office under the municipal government, was not generally known and had no political distinction. The selection was virtually an appointment under the form of popular election, but the results have been good. Mr. Lewis has reorganized the system of municipal accounts, so that loose handling of funds is now impossible.

One of the illicit practices discovered in the city attorney's office was the depositing of public money as an individual account upon which the banks paid interest. Meanwhile money deposited upon city account was drawing no interest, and the disclosures caused the passage of an ordinance requiring the city depositaries to pay 3 per cent upon daily balances. By an ordinance approved March 16, the rate of interest to be paid by the banks is reduced to 2 per cent. The city depositaries are elected by the finance committee of council.

¹ Communication of Henry Jones Ford, Esq., Pittsburg, Pa.

Last year the city received \$45,000 from the depositaries on interest account, and paid \$16,000 for interest on advances of money by them. The ground assigned for the passage of the new ordinance is that money is so cheap that the banks cannot afford to pay more than 2 per cent, but the city of Allegheny, which deposits its funds with the highest bidders, is receiving 3.21 per cent from one depositary and 3.18 from the other. The amount on deposit in the Pittsburg city depositaries this year will be very large, as it will include the proceeds of a bond issue of \$6,000,000.

Street Cleaning Department. During March, the Director of the Department of Public Works, discovered that the chief of the bureau of street cleaning had been padding the pay rolls. He made a number of discharges and reported the facts to councils. At this writing an investigation is still proceeding. The discovery was made when the chief of the bureau was confined to his house by dangerous illness, which still continues. His legal adviser has paid over to the city \$4,200 to cover the amount fraudulently obtained.

*New Orleans.*¹—*Telephone Service.* The last few months have furnished an illustration of the general tendency towards monopoly in the public service industries and had a railroad, telegraph and telephone commission not been established by the recent state constitution, the city might have found itself, at least for a while, subject to a monopolistic tariff for telephone service. Just two years ago a telephone company, which we shall call Company A., established itself in New Orleans as the successor of the New Orleans Telephone Company. The rates of the new company were regarded by the people as excessive, and a few months ago, a second company, which we shall call Company B., secured a charter from the city council for twenty-five years, with the understanding that the charges would not exceed \$36 a year for residences and \$48 for business offices. The new company was to be operated in good faith as a competitor of the one already existing. Five-sixths of the stock was owned in a northern city and the rest in New Orleans.

A reduction of about fifty per cent was immediately put into force by Company B., and by efficient management it won its way to popular favor, and soon had 3,200 subscribers on its list. The older company met the reduction, as follows: As an innovation a thirty call limited service, with five cents for each additional call, was instituted. This furnished service at \$1.50 for residences per month, and \$2.00 for business houses. Also for residences five party service

¹ Communication of John R. Ficklen, Professor of Political Science, Tulane University.

at \$1.00 per month; two party service, \$2.00 per month (old rate \$3.00); private line, \$3.00 (old rate \$5.00); with similar reduction for business offices. The public rather enjoyed the rate war and the good service resulting from the rivalry of the two competitors. At the reduced rates many persons found it profitable to take the service of both companies.

The franchise of Company B. stipulated that this company should not sell out to, or be absorbed by any other company without the consent of the city council. Suddenly, however, news came that the stockholders of Company B. had transferred their stock to the older company, or rather, that the stock had been bought up by individuals connected with that company. Both companies, it was promised, would still be operated, and all contracts made by Company B. would be faithfully observed.

The matter would have rested here had not that which was feared by many actually come to pass. Very soon it appeared that the separate organization of Company B. had practically ceased to exist. Then complaints began to pour in to the effect that the general care of the lines of this company was neglected, that the force of "trouble men" had been reduced below the point of efficiency, and that no new subscribers to its service were to be accepted. It was clear that an effort was to be made to throttle the company that had been bought out, and force all its subscribers into the old one. Very soon there came a further announcement from Company A. that, after April 1, 1900, its rates would be restored to what they were before the rate war began, and that in the case of physicians they would be raised.

A protest from the board of trade and other commercial bodies brought the matter before the state commission above mentioned. This body, exercising the powers delegated to it, announced that the rates must not be raised until its consent had been obtained. Accordingly the question of the proper charges for telephone service was discussed at a recent meeting of this committee; the opposing counsel examined a number of witnesses, and much curious information as to the workings of corporations was brought to light. The commissioners, however, were so much puzzled by the conflicting testimony that they took the matter under advisement, and their decision has not yet been made. If they allow the new rates to stand, it is possible that the company may be prosecuted under the anti-trust law of the state.

In the meantime application has been made to the city council to charter a third telephone company, which shall be permitted to charge certain maximum rates, and shall deposit, for certain specified purposes, fifty-one per cent of its stock in the hands of the mayor.

Baltimore.—*Municipal Lighting Commission.*¹ The present movement of inquiry into the question of municipal construction and control of an electric lighting plant in Baltimore was started in the summer of 1899. It was not until January fourth of the present year that the Municipal Lighting Commission was created and its course outlined in a resolution of the mayor and city council. The duties of the commission were to report as to the "feasibility, practicability and expediency" of the establishment of a municipal lighting plant by the city as the principal matter, and to report by February 15 as to the cost of public lighting, both by gas and electricity, in cities of the United States, equal to or greater than Baltimore in population, to be the subject of a preliminary investigation, together with recommendations as to the best method of reducing the price of lighting to the city.

This particular phase of the question was brought about by the general impression existing in the minds of the public that the people and the city was paying an extortionate rate for both private and public lighting; and the question was at that time being agitated before the Maryland Legislature to reduce the price of gas, from the present rate of \$1.25 per 1,000 cubic feet to \$1.00. The actual result has been to reduce the price of gas to \$1.10.

The Municipal Lighting Commission had but one month in which to make this preliminary investigation, but secured results from cities in this country, which, together with a general knowledge of the situation as it existed in Baltimore, enabled the commission to arrive at definite conclusions, and based upon these conclusions, to point out wherein it was possible for the city to secure a reduction in the price of its public lighting.

The first conclusion reached was that with gas at \$1.25 per 1,000 cubic feet, Baltimore paid more for its lighting than any city of large size in the country, fifteen per cent more than the next highest in price. The second conclusion was, that despite the fact that there had been steady reductions in the price of both electric light and gas to the city for some years prior to 1890, and that economies in manufacture warranted a further reduction, there had been no reductions made in the price of electric light for ten years, or of gas for twelve years. This state of affairs was the result of the monopoly enjoyed by the gas and electric companies. There was only one gas company, and while there were two electric companies furnishing street lights, there was no competition, the city lighting being divided between

¹ Communication of Chas. E. Phelps, Jr., Secretary Baltimore Lighting Company.

the two companies the price being thirty-five cents per night, or \$127.75 per year for each 2,000 candle power arc light.

A third conclusion was that in comparing prices in Baltimore with those in other large cities, local conditions as to cost of material and labor entering into the manufacture were not unfavorable to Baltimore.

The commission pointed out the means by which the price could be reduced to a reasonable amount, and they are here mentioned briefly:

1. Properly regulated competition; unrestricted competition being considered the least advisable of any method; as has happened heretofore it surely results in further consolidation and aggravation of the evils.

2. By making contracts, and providing, if possible, for reductions in price as the number of lights increase.

3. Reduction of price by legislature. This has been done in respect to gas lighting as heretofore mentioned.

4. Municipal plant.

The commission makes no recommendation as to the expediency of municipal control, but indicates that if all other methods fail, there is yet this question to be determined which may or may not result in a reduction of cost to the city, and upon a determination of the matter of reduction in price would rest the advisability of a municipal plant.

The report recommends. First: the passage of a bill then pending in the legislature to appoint a franchise commission, with proper powers, and to represent the public in dealing with public service corporations. This measure was defeated.

Second: The passage of an act enabling the city to issue bonds to provide the necessary funds to construct a lighting plant, after submission to a vote of the people.

This act has become a law, and with this power in its hands, the city of Baltimore should be in a position to deal with lighting companies, and secure its lighting at a fair and reasonable price. If it fails in this purpose, there is yet the question of a public plant, and it is expected that the principal report of the commission will determine this point, and that it will give good and sufficient reasons for its conclusions, whatever they may be.

FOREIGN CITIES.

Berlin.¹—*Incorporation of the Suburbs.* The exact survey of the city area, which has been going on for over twenty years, was finally

¹Communication from Berlin of Professor E. J. James, of the University of Chicago.

completed in the year 1897. It showed a total area of the city of 6,400 hectares (between twenty-four and twenty-five square miles). The agitation for the extension of the city limits, so as to take in the outlying suburbs, seems to have died away for the present. The state government was in favor of an extensive incorporation of the suburbs ten years ago, and in the year 1891 laid a definite proposition before the city authorities, looking toward the extension of the city boundaries. The proposition of the government was not acceptable to the city, however, but, after long discussion, the city made a counter-proposition, on the thirtieth of January, 1896, to which, however, no reply has been made on the part of the state government. It looks as if the question might rest for a number of years. It is plain that no general scheme of incorporating a large number of suburbs will be adopted, except in connection with some plan for the decentralization of city administration, and no plan has been proposed for accomplishing this end which seems likely to command the necessary assent.

Co-operation of Citizens in the City Administration.—During the year ending March 31, 1898, some 18,000 citizens took part in the actual municipal administration of Berlin, as members of the various commissions and sub-commissions, general and local. Forty-five of these celebrated during that year their twenty-fifth anniversaries as honorary officials. The number of citizens willing to participate in this work is steadily increasing; 3,500 different persons took part in the administration of the poor relief; 2,850 belonged to the various school commissions; 2,100 acted as orphan councilors, and over 10,000 were associated in the work of tax assessment.

City Finances.—Perhaps the most interesting phenomenon in the city administration of Berlin of late years is the brilliant condition of city finances. Not only is the revenue steadily increasing, but it is steadily outrunning the liberal estimates made of this increase from year to year. Thus, in the year ending March 31, 1898, the surplus in the city treasury, at the end of the year, was 11,540,611 marks—nearly three millions of dollars. A part of this surplus, however, is not to be considered as net revenue or surplus income, since it consisted in unexpended balances of appropriations. This ought to be deducted from the total balance in the city treasury, in order to ascertain the real surplus. About one and one-half million dollars should be deducted for unexpended appropriations, leaving over a million and a quarter as a net increase over the estimates made by the city authorities. It is interesting to note the source from which this surplus springs. About eight thousand dollars more were obtained from the administration of city property than was expected. Over five hundred thousand dollars more than the estimate came from the city works,

such as gas and water. Of this over two hundred and fifty thousand coming from the gas works alone. Taxes yielded about three hundred and seventy-five thousand dollars more than was estimated, while an equal amount came from various unexpected sources. It is certainly an interesting phenomenon to find a large city which has to reckon year after year with a steadily increasing surplus. This springs very largely from the revenue system itself, which deserves a moment's attention. The larger part of the income for the fiscal year ending March 31, 1898, was derived, as in the case of nearly all modern cities, from taxation. The following table shows the more important items:

Municipal land tax	16,816,972	68 marks	\$4,204,243
Tax on trades	7,050,877	49 "	1,762,719
License tax	272,490	91 "	68,123
City income tax	24,365,894	93 "	6,091,474
Dog tax	488,227	06 "	122,057
Malt tax	700,499	60 "	175,125
Tax on sales of real estate	1,835,744	84 "	458,936
Miscellaneous	2,343	10 "	586
Total	51,533,050	61 "	

It will be seen that the city income tax is by far the most important of these taxes. It has steadily risen year after year in its yield, and reflects in its steady progression the rapidly rising standard of wealth and comfort to be found in Germany to-day.

During the same year the city received over five hundred thousand dollars from the city railway companies and about five million marks from the city gas works. The value of the city gas works is stated at the same period to be over twelve million dollars. This is probably a conservative estimate, owing to the habit of writing off large sums under the head of depreciation, etc., each year.

In connection with the items given above concerning the relation of the city of Berlin to its street car companies, it will be of interest to note that this whole problem seems likely to enter an entirely new stage in the course of the next four or five years. As is well known, the German cities have very generally succeeded in obtaining control of their own water works and their own gas works. There is no doubt that those cities which own their own gas works will be compelled in self-defence to get control of the electric plants which may compete with the city gas plants in furnishing light and power. But the possession of these electric plants will certainly open up the question immediately whether a city which runs a large electric plant for furnishing light and power for all sorts of purposes may not economically manage its own street railways.

A good example of the development in this direction is to be found in the case of the city of Halle on the Saale, a medium sized city, embracing a population with its suburbs of over 150,000. It was the first city in Germany to adopt the system of electric traction on its street railways to any extent. These railways were built by private companies, under a concession from the city. The city has owned its own gas works ever since the latter part of the fifties, and, owing to the steadily increasing competition of electricity and the pressure on the part of the public for facilities for the use of this new agency, the city government found itself face to face with the problem of either selling its gas works or establishing an electric plant. After a long and bitter discussion, running over two years, the city finally decided to erect and operate a city electric plant, for the purpose of furnishing light, heat and power, not merely for city purposes, but to all the inhabitants of the city, for domestic and industrial uses. The works are now in process of erection, but the contracts for the erection of these works were scarcely made before the city authorities raised the question "why should we not acquire the entire system of street railways," and a plan is now being worked out with great care, which there is every reason to believe will be accepted by the community, and which will result in the taking over of the entire system of local transportation. Something of the same course of development is likely to occur in other German cities. The city of Frankfort-on-the-Main leads the way. It constructed first an electric plant, entrusting its management to a private company. It has now taken possession of this plant and on the first of April, 1900, will take over the entire system of street railways, to be owned and operated by the city.

*November Elections.*¹—The November election of councilmen in the city of Berlin was of more than usual interest this year, owing to the recent redistricting of the city. Under the definition of boundaries made in 1883 the city was divided into districts for the purpose of carrying out the three-class election system. Fourteen districts of the first and second classes and forty-two districts of the third class were created. In the election lists of districts of the first class only those paying the highest quota of taxes are included. The well-to-do middle class constitutes the voters of the second class districts, while the great mass of the laboring and poorer classes are included in the third class districts. Each district of the same rank is given the same influence in determining the composition of the city council. Consequently, the voters should have been distributed as evenly as possible among all the districts of the same class. While

¹ Communication from Robert C. Brooks, Cornell University, Ithaca, N. Y.

this was the case originally, the shifting of population within the city since 1883 had by the year 1897 completely destroyed the old equilibrium. Thus, in the latter year there were in District I of the first class only 35 qualified voters as against 260 in District VII of the same class, the average number for the fourteen districts being 90. The average number of qualified voters in each of the fourteen districts of the second class was for the same year 642, individual variations from 295 qualified voters in District I to 1,357 in District XIV. Of the fourteen election districts of the third class which participated in the municipal election of 1897, District XI, led the list with 25,537 qualified voters. District III had the smallest number, 4,174, the average for the fourteen being 8,342. In other words, the old division of the city had become so inequitable that in certain districts the individual voter had from four to seven times the voting strength as the individual voter in other districts of the same class. Somewhat tardily the *Magistrat* of the city recognized the necessity of reform, and resolved to redistrict the city before the election of 1899.

A peculiar circumstance in regard to the old division of the city was that the districts most heavily discriminated against were those in which the Social-Democratic strength was greatest. These were the districts located along the outer edge of the city where the population in 1883 was comparatively sparse. As a consequence they were laid out on a large scale and contained many times the area of the interior districts. With the improvement of the means of communication, however, these outer districts were gradually occupied by the laboring people of the city from which class the Social-Democratic vote is almost entirely drawn. The disadvantage to which the unequal arrangement of districts subjected the radical minority in the council was perhaps partly responsible for the delay in redistricting the city. At any rate the reform plan took this fact into consideration, for it not only provided for a more equitable division of the city, but also for an increase in the number of council members from 126 to 144. As under the City Government Act of 1853 these eighteen new members had to be apportioned equally among the three classes of voters, the first and second classes together, which represent the rich and well-to-do citizens, have, under the present arrangement, twelve new councilmen to elect, while the third class, which contains the great mass of poorer voters, received only six new seats. The idea was that even if the splitting up of the large workingmen's districts enabled the Social-Democrats to capture the six new members of the third class, the conservative elements would still be certain to meet them in the council with an increased majority of twelve elected from

the two upper classes. The plan reveals in a unique way the possibilities of the three-class election system, and is rather hard to reconcile with the opinion prevalent in this country that Prussian municipal elections are entirely free from national political party influences.

So far as the redistricting of the city aimed at a more equitable division of the voters among the various districts, it was only moderately successful. The sixteen new districts of the first-class contain an average number of qualified voters of 43, with variations from 22 in District XI to 82 in District III. In the second class the numbers vary from 327 qualified voters in District X to 696 in District IV, the average for the sixteen being 483. A more even distribution was secured in the third class, the extremes being Districts XI and XXV, which had 5,136 and 8,603 qualified voters respectively, with an average of 6,365 for the forty-eight districts. In estimating the success with which the *Magistral* carried out this piece of work it should be borne in mind that the application to metropolitan conditions of so complex a method of voting as the three-class system presents extraordinary difficulties.

The registration rolls for the November election showed 691 qualified voters of the first class, 7,742 of the second and 305,521 of the third, a total of 313,954 voters in the city.¹ This means that the power of electing one-third of the members of the Berlin Council is placed in the hands of less than one-fourth of 1 per cent of her qualified voters. Two-thirds of the council are elected by less than 3 per cent (exactly 2.68 per cent) of the qualified voters of the city. This is an even higher degree of plutocracy than was shown in the last municipal election held in 1897, when the first and second classes, which together have the power of electing two-thirds of the council, made up 3.26 per cent of the total number of voters. Such figures exhibit in a striking way the effects on the three-class system of the Prussian tax reforms begun in 1891. This movement toward increasing plutocracy, due to the application of the progressive tax principle, is by no means confined to Berlin. In the end it must force a revision both of the municipal and Landtag election laws.

The results of the Berlin election, which was held in the different classes from the sixth to the tenth of November last, show the expected gain for the Social-Democratic party, which will probably have twenty-one members in the new council. The liberal elements on the other hand received an even larger increase, winning 121 seats in all, which will give them a majority over the Social Democracy, larger by three than they had in the old council. At this writing it is impossi-

¹ Vorlage f. d. Stadtverordneten-Versammlung | zu Berlin, No. 869, September 26, 1899, p. 575.

ble to say just how the 121 liberal members will divide themselves among the various factions in the Berlin council. Two anti-Semites were elected, but one of these seats is contested by a Social-Democrat. The election reflects the dissatisfaction felt in Berlin over the action of the central government in withholding its confirmation of Herr Kirschner's election to the position of Oberbürgermeister of the city. The government's unpopular "Penitentiary Bill," which provided extraordinarily severe penalties for offences committed by striking workmen also had some influence upon the result. Both of these events made political capital for the Social-Democrats. But their strength in the council remains, as before, too slight to enable them materially to affect municipal politics.

Table of the Municipal Voters of Berlin Registered in the years 1890 to 1899, and of the Division into Classes.¹

NUMBER OF THE MUNICIPAL VOTERS IN					DIVISION LIMITS.		
YEAR.	I Div.	II Div.	III Div.	Total.	I Div. down to M. Pf.	II Div. down to M. Pf.	Total Tax Sum. M. Pf.
1890	3,778	17,727	236,185	257,690	1,631.60	363.20	38,494,277.10
1891	3,571	17,885	249,563	271,019	1,749.60	376.80	41,905,670.29
1892	2,226	16,846	256,964	276,036	2,663.80	429.80	44,344,414.59 ²
1893	2,045	13,049	274,048	289,142	2,956.80	597.90	44,455,616.92
1894	2,082	12,086	274,151	288,319	3,152.40	682.20	48,270,023.45
1895	1,486	9,867	288,638	299,991	3,891.20	781.66	43,761,979.66 ³
1896	1,336	9,027	295,960	306,323	4,348.00	833.72	45,320,728.23
1897	1,289	8,929	303,313	313,531	4,851.00	869.20	47,890,294.62
1898	1,216	8,865	298,611	308,692	5,067.80	892.60	48,580,728.13
1899	691	7,740	308,517	316,948	8,333.80	1,095.40	56,057,800.93 ⁴

Paris.⁵—Public Pawnshop. For several years the director of the Paris municipal pawn shops has urged a reform in the method of appraising pledges, and legislation against the traffic in pawn tickets. In the present report of the commission⁶ these recommendations are

¹ To supplement the data given above, the above table, prepared by Professor R. J. James, of the University of Chicago, is published.

² Made after the law of June 24, 1891.

³ After abolition of the tax on rent and introduction of the property and municipal house and land tax.

⁴ After inserting the tax rates of the fictitious persons to the amount of 5,047,600 marks.

⁵ Communication of Dr. W. R. Patterson, University of Iowa.

⁶ Rapport au nom de la 5ieme Commission du Conseil Municipal sur le fonctionnement du Mont-de-Piété.

repeated, the traffic in pawn tickets being particularly deplored on the ground that by this means the *Public Charters Department* is deprived of needed revenue. By the law governing the pawn business of Paris it is provided that any surplus arising from the sale of unredeemed pledges, unclaimed within a year from date of sale, shall become a part of the funds of the public charities. Heretofore this sum has been about 100,000 *frs.* (\$19,300) annually, but this year, owing to the activity of the ticket brokers, the sum is but 87,162 *frs.* (\$16,822.40).

A further recommendation of importance calls for a modification of the law of 1891, which authorizes advances on pledge of stocks, bonds, etc. The opportunity thus afforded the middle classes to secure money for a short time at reasonable rates at once became popular. In the first year 1892, 3,213,222 *frs.* (\$620,151.85) were loaned; by 1896 the annual loan had almost doubled. No increase, however, occurred in 1897, and in 1898 the amount so advanced declined some 203,767 *frs.* (\$39,327.03). This decline is attributed first to the clause of the law fixing the maximum loan at 500 *frs.* (\$96.50), a sum often insufficient to meet the needs of the borrower. Moreover, to secure this sum, due to the large denominations of many bonds, the borrower is required to deposit several times the value necessary to secure a like amount in any other place. But these causes alone would work no stronger at present than in the past if it were not that the Bank of France had reduced its minimum loan from 500 *frs.* to 250 *frs.*, thus enabling many to secure sums suited to their needs, without resort to the *Mont-de-Piété*. The remedy proposed is to grant the authorities of the institution the same power over the amount to be loaned as they now exercise over the rate of interest to be charged, etc., viz.: to fix it annually.

The fees for appraisal remain the same as in previous years, $\frac{1}{2}$ per cent on all loans made. In addition, the appraisers receive 3 per cent of a 5 per cent auction fee, for conducting the sale of unredeemed pledges, the remaining 2 per cent going to the institution. The rate of interest on common pledges remains at 6 per cent per annum as in previous years. The interest paid on funds borrowed by the institution is 3.0, 2.75, 2.5, and 2.0 per cent for loans deposited for from one to two years, nine to twelve months, three to nine months, and three months, respectively. Finally the total receipts for the year 1898 were 117,885,222 *frs.* 26c. (\$22,751,847.89), a sum of 4,970,421 *frs.* 23c. (\$959,291.31) in excess of actual expenses. This leaves, after meeting all obligations, a net profit of 2,483 *frs.* 61c. (\$470.34).

SOCIOLOGICAL NOTES.

Swedish Tobacco and Glass Industries.¹—Two reports on labor statistics are reviewed in the "*Ekonomisk Tidskrift*" (Häft. 12, 1899). It is hard to disengage many facts from these reviews owing to their markedly polemic character. The strife is, in brief, the following: K. Key-Åberg insists on a uniform, condensed series of question-formulæ (concerning the "chief points"—trade-specialty, sex, age, civil position and remuneration) and wishes results to be stated separately for each laborer, while his critic finds fault with this method and with the work of its exponent. Several interesting facts are recorded, however, especially with regard to the tobacco industry.

The first Swedish tobacco industry was founded in Stockholm in 1660; it prospered under the peaceful reign of Karl XI., but declined in the warlike period immediately following. Under the *régime* of protection it again thrived, and in 1741 there were thirty-three tobacco establishments, employing 1,338 laborers and putting forth a product valued at \$253,800. This was not, however, a permanent prosperity, and we find the industry affording the following figures in 1780: Establishments, 72; laborers, 753; value of production, \$178,200.

In the present century prosperity has been unbroken; the manufacture of cigars has contributed largely to this result. In the seventeenth century only pipe and chewing tobacco were produced; snuff came in during the eighteenth century, and even in 1897, 9,680,000 pounds of snuff were manufactured. Cigars were first manufactured in 1814, and were at the outset unpopular; in 1897, however, one hundred and thirty-one million cigars were made, an average of twenty-six per head of population. Besides this twenty-six million were imported.

In 1897 there were ninety-three large tobacco manufactories, employing 4,380 hands with an output worth \$4,050,000. The largest industries are located in the three largest cities, Stockholm, Göteborg and Malmö. About 2,200,000 pounds of tobacco are raised in Sweden, three or four times this amount of the raw product being imported.

Of the laborers employed in the industry, 63 per cent are women and 22 per cent under eighteen years of age. In 1874 the percentage of the under-aged was 37, but after the royal decree of 1881 it declined to 18.5 in 1885. Since then the figure has risen to 21.5 per cent in 1890 and 22.5 per cent in 1897; in 1898, however,

¹ Contributed by Dr. A. G. Keller, Yale University.

there was found no laborer under twelve years of age. Labor is not mobile; 67.3 per cent of the men and 72.2 per cent of the women work in their native districts; $\frac{1}{4}$ of the men and $\frac{1}{6}$ of the women have worked over ten years with the same employer. Only 9.8 per cent of the men and 5.3 per cent of the women follow the paternal trade.

Of the grown men 39.6 per cent and of the grown women 71.2 per cent are unmarried; 16 per cent of the unmarried women report themselves mothers. Temperance societies and similar moral movements are not popular among the workmen in this industry, but trades unions recruit here some of their most faithful supporters.

The average labor-day is 9.5 hours, which is not regarded as oppressive. Reported statistics of wages are derived in large part from employers' books. The following table of yearly wages is given :

	Married men.	Unmarried men.	Married women.	Unmarried women.
Cigarmakers	\$242.46	\$189.81	\$179.55	\$155.33
Sorters and Packers	274.86	227.61	199.53	172.26
Cigarette makers (?)		63.18	151.47	143.37
Wrapper makers	186.30	121.23	169.83	101.79
Spinners and Rollers	273.24	201.96	. . .	115.02
Pressers	196.02	141.75	95.85	. . .
Snuffmakers	220.59	152.28	. . .	. . .

These rates of wages seem rather low, especially the wage of the cigarmakers; such a rate of remuneration perhaps explains the large number of the unmarried, as well as the small percentage of those who follow the paternal trade. Other factors combine to render the industry in question repellent to the laborer; among these are the unwholesome and uncomfortable localities of tobacco factories and prevalent illness. In the period, 1893-97, 51.6 per cent (forty-eight cases) of death were due to affections of the respiratory organs.

A few figures having to do with the glass industry may be compared with the above; the writer of this review is too intent on discrediting Key-Åberg to give anything like a luminous summary.

In the period, 1831-35, 28.2 per cent under-aged labor was employed, the age-limit being fifteen years; in 1896-98, 28.7 per cent, the age limit having been eighteen since 1862. The maximum figure for such employment was 32 per cent (1876-80), the minimum 24.1 per cent (1881-5). The royal decree on this subject came into action June 1, 1882. Fifty-two establishments are cited in the present work, of which twenty-five are in the province of Kronoberg.

The following table is reproduced, but since it comprises only six establishments, and these the largest, some modifications are to be

made before the conclusions would apply to the whole glass industry of the kingdom :

	Average No. workmen, 1898.	Workmen questioned, 1898.	Per cent.	Value of out- put per labor- er, 1898.
Surte.	453	182	40.2	\$447.02
Kosta	452	163	35.8	358.41
Reymyra	371	185	49.9	270.68
Liljedahl	300	252	84.0	392.72
Glafva	225	152	67.6	600.00
Sölje	39	35	89.7	432.00
Total	1,840	969	52.7	399.21

Employers' Liability.—The report of Commissioner McMackin, of the Bureau of Labor Statistics of New York for 1899—the advance sheets of which were issued February 5, 1900—deals at some length with the question of liability of employers. Inasmuch as New York is one of the states that has not yet passed any statutory law on this subject, the review of the situation in New York and elsewhere which Commissioner McMackin gives may prove of interest to those studying the question of Employers' Liability in the United States. Commissioner McMackin says :

"In this state the liability of employers to pay civil damages to injured employes rests purely upon judge-made law, no statute up to the present time having been enacted by the legislature. The source of the present law must therefore be sought in the English common-law and the precedents established by English and American courts. While the essential principles of the law have been invested with a mass of detail and legal subtleties, they are in reality very simple. They are deducible from two maxims of the common law: (1) A person is liable for his own wrong-doing and breaches of contract. Hence 'a person guilty of negligence is liable to make compensation for pecuniary damages therefrom, if the damage is legally traceable to the negligence.' (2) A principal is responsible for the acts of his agents; a master for those of his servants; an employer for those of his employes, while they are performing his work and acting within the scope of their authority. *Respondet superior*, 'Let the master answer.'

"Had these two simple principles of the common law been logically applied, there would not have arisen so universal and powerful a demand for legislation to make effective the responsibility of employers to their workmen. Unfortunately, the common law rule of *Respondet*

superior has been abrogated by the judge-made law that an employer is not responsible for the negligence of his agent or employes, provided the person injured is also in his service. A perfect stranger is entitled to recover damages from the employer for injuries brought upon him by any of the latter's employes; not so, one of his own employes. This is the famous *doctrine of common employment*, established in the English courts in 1837 and since followed as a precedent by the courts of the United States as well as those of England. Its harshest application appeared in the case of railway accidents, wherein any passenger injured could sue the company for damages, but a clerk employed by the company in its offices and traveling on the same train would have had no cause of action, since the accident was caused not by the corporation itself but by one of its servants, *i. e.*, a fellow-employe of the clerk.

"The doctrine of common employment rests on the false assumption that the workman, upon taking employment, voluntarily assumes the ordinary and familiar risks of the occupation, including accidental injuries caused through the negligence of his fellow workmen. The assumption of the risk has been regarded as an implied part of his contract with the employer, and it has been argued that his wages covered payment for the hazard of accident. The argument is a plausible one, but it proves too much. If the workman is judged to assume the risks of occupation simply because he is aware of the existence of such dangers, a third person injured under the same circumstances with the workman should have no standing in court. Railway passengers are aware of the risks of accident to which they subject themselves when traveling, yet they are not permitted to relieve the transportation company of liability by any contract, express or implied.

"Whatever the reasonableness and justice of the doctrine of common employment in a primitive agricultural community, it is clearly out of place in an industrial society where work is carried on in great shops and factories with the aid of complicated machinery. It is absurd to hold a cotton spinner responsible for an act of the distant engineer which causes an injury to the former. Hence the universal demand for the abolition of the doctrine by statute, a demand which was first satisfied by Germany nearly a generation ago (1871). England partially abrogated the doctrine in 1880 and replaced it with entirely new methods of enforcing employers' responsibility in 1897. Throughout Europe the doctrine long since lost all defenders, but in this country it still persists with the exception of a few of the states. Alabama followed England in 1885 and Massachusetts in 1887, and a few other states have also restricted its application by statute. Else-

where it has been limited by the courts, as has been done in New York; and yet within the past year a case was decided in one of the appellate divisions of the Supreme Court which virtually pronounced a car dispatcher on an electric street railway to be a fellow servant of a motor-man who was injured while carrying out the dispatcher's orders.

"Breakdown of Liability Laws. The abolition of the doctrine of common employment appears at first sight a simple and adequate remedy for the establishment of the responsibility of employers in cases of accidental injury to workmen. It was so thought by the workmen of Europe until an experience of from ten to twenty years convinced them of the utter failure of employers' liability laws to secure justice. In order to obtain a verdict for damages the workman is obliged to break down a host of defences set up by clever attorneys. He must prove, first of all, that he himself exercised the utmost care, else he will be adjudged guilty of 'contributory negligence' and his case dismissed. He must prove that he was carrying out orders of his superiors; that he was engaged at work within his own employment; that machinery was defective. Finally, after he has given legal proof of these and other technical facts, he must show that he gave notice to his employer of any defect in the machinery that may have contributed to the injury. If he was aware of any defect, and failed to make complaint, he thereby 'acquiesced' in the situation and had no legal remedy. The element of uncertainty is therefore of great importance even with the best of employers' liability laws, and deters scores of workmen from attempting to secure a just compensation. Other deterrents are the heavy expenses of litigation and the absolute certainty of losing employment. The British Royal Commission on Labor clearly pointed out that 'when a workman goes to law with his employer he, as it were, declares war against the person on whom his future probably depends. The broad result is that a legal claim for damages only answers when the injury is very great and a workman is pressed to leave his master's service.'

"On the other hand, the liability laws were only a little less distasteful and unsatisfactory to the employers, who were often put to enormous expense to defend themselves against the legal attacks of professional "accident" attorneys. The money that fair-minded employers would willingly have paid to an injured employe in the way of compensation, they saw absorbed in the costly processes of litigation.

"The whole difficulty lay in the impossibility of locating the blame for an accident, as the principle of liability laws requires. When an accident occurs in a modern factory or railway, the fault can seldom be traced to a single person. This was well demonstrated in a Ger-

man investigation of 15,970 accidents in 1887, the figures of which, frequently quoted, still bear repetition:

	Per cent of total.
Fault of the employer	19.76
Fault of the injured	25.64
Fault of both	4.45
Fault of a third person, particularly a co-employee,	3.28
No fault which can be assigned	3.47
Inevitable risk when at work	43.40
	<hr/> 100.00

"This table sets in clear light the whole case against employers' liability laws from the standpoint of the worker. Even with full legal proof he cannot obtain compensation in 20 per cent of the cases of injury; and it is comparatively seldom that he can secure legal proofs. In more than 50 per cent of the accidents, the fault was neither the workman's nor the employer's; the accident was due to the inherent risks of the occupation.

"In order, therefore, to do away with the heavy expenditures for litigation, which benefit no useful class in society, to secure adequate compensation for every accidental injury during work, and to replace hostility between employer and employed with industrial peace, both employer and workman in the great European countries joined in promoting legislation which gave to every workman, injured while at his occupation, the right to a stipulated compensation *without recourse to law*.

"*Workmen's Compensation Acts.* The underlying principle of these Workmen's Compensation Acts, as they are called, is the demonstrated fact that most accidents are an incident of the industry, rather than the fault of individuals. Laws for the prevention of accidents have accomplished so little, principally because a vast number of accidents is positively inevitable under the pressure of competition. When a workman, in order to save time, risks his fingers too near a circular saw and eventually receives a bad cut, it is idle to reproach him with his own carelessness. He was saving time *for his employer* and taking the risk in his employer's service. The hazard of accident is to be treated in precisely the same manner as progressive business men have treated the danger of fire, *i. e.*, to be insured against and the cost of insurance charged against the expense account. It thus becomes a charge upon the industry and is eventually paid by the community as consumers. In some countries accident insurance is compulsory, the purpose being the prevention of losses to injured workmen whose employers become insolvent.

"Germany was the first country to recognize both the injustice and the wastefulness of employers' liability laws, which cause a large expenditure of money for litigation alone, and to substitute therefor workmen's compensation acts, designed to abolish litigation, to provide compensation for every accidental injury not due to the victim's own misconduct, and to fix the charges upon the industry. The date of the enactment of the German law was July 6, 1884. Austria followed, December 28, 1887, and Norway, July 23, 1894. England, after long years of agitation for the reform of the Employers' Liability Act of 1880, finally accepted the principle of compensation and enacted the Workmen's Compensation Act of August 6, 1897, which went into effect July 1, 1898. England's decisive action brought to a head the sentiment in favor of compensation acts in the countries of continental Europe, and within a short time the legislatures of Denmark, Italy, France and Switzerland fell into line, and nearly every other country in Europe has undertaken investigations preliminary to parliamentary action. That the American states will sooner or later follow along the same path of social legislation is scarcely to be doubted."

Fourth Congress of the International Institute of Sociology.—The International Institute of Sociology will hold its fourth congress at Paris during the closing days of next September. Two questions or main topics will be taken up—first, "The Problem of the Clan," second, "Historical Materialism." A large number of eminent sociologists are expected to be in Europe and will be invited to take part in this congress. Other questions and topics may be taken up with the consent of the executive committee of the congress. Among the speakers already announced is Dr. Lester F. Ward, of Washington, who will present a paper on "Social Mechanics." A more complete announcement may be expected in the near future. The secretary of the International Institute is Monsieur René Worms, and his address is 35 rue Quincampoix, Paris, France.

Careers of College-bred Negroes.—Atlanta University, which has conducted so many valuable investigations under the direction of Professor W. E. Burghardt DuBois, has sent out a very complete schedule of questions to over twelve hundred negro college men, making an inquiry concerning their present occupation, the things they have been engaged in since leaving college, and the measure of success and the lines along which successful effort has been made by these college men. The last report dealt with business undertakings among negroes, and this one will doubtless supplement those of past years in a way that promises to throw light on the vexed questions relating to the education of the negro.

Labor Legislation in New York.—The recommendations of Governor Roosevelt in his Annual Message, January 1, 1900, on Labor Questions and Tenement House Reform are especially interesting as indicative of a desire to encourage progressive legislation. He says:

"I call the attention of the legislature to the reports of the State Board of Mediation and Arbitration, of the Commissioner of Labor Statistics and of the State Factory Inspector. During the past year very valuable labor measures have been enacted into laws, and they are well enforced. I am happy to say that in speaking of labor legislation I can talk mainly of performance—not of promise. Additional legislation will undoubtedly from time to time become necessary; but many vitally needed laws have already been put upon the statute books. As experience shows their defects, these will be remedied. A stringent eight hour labor law has been enacted. This is working well as a whole.

"In nothing do we need to exercise cooler judgment than in labor legislation. Such legislation is absolutely necessary, alike from the humanitarian and the industrial standpoints; and it is as much our duty to protect the weaker wage workers from oppression as to protect helpless investors from fraud. But we must beware above all things of that injudicious and ill-considered benevolence which usually in the long run defeats its own ends. To discourage industry and thrift ultimately amounts to putting a premium on poverty and shiftlessness. It is neither of benefit to the individual nor to society needlessly to handicap superior ability and energy, and to reduce their possessor to the level of work and gain suited for his less able and energetic rivals.

"There have been a large number of strikes for increase of wages during the past year. The fact that these strikes were not against a reduction, but for an increase, is due to the prosperous condition of the country and state generally. The services of the present excellent Board of Mediation and Arbitration have been in almost constant demand, and they have been gratifyingly successful. The number of controversies amicably adjusted directly and indirectly through its influence, has been greater than that during any year since its creation. The work of mediation—that is, of settling the dispute before it has reached an acute stage—is even more important and successful than that of arbitration proper, after the strike is once on. This being so, it would be well to enact legislation which would compel parties to labor disputes to notify the board of impending trouble, or of strikes and lockouts.

"The experiment of publishing a quarterly bulletin by the Bureau of Labor Statistics has worked excellently and the bulletin should be

continued and improved. I suggest that it would be well to define by statute the questions that may legally be asked of manufacturers by this bureau. Abuses have occurred in connection with the employment offices in the larger cities, which are now allowed to violate the law with impunity, the power of punishment lying with the local authorities. It would be well to require the keeper of any employment office to procure a license from the state, as in Minnesota and other states. This license should be granted on the payment of a substantial fee, and the business would thus be restricted to responsible parties and kept under the control of the state administration.

"The measures suggested in my message of last year and carried into effect by legislation, increasing the number of factory inspectors, and requiring a license for all shops and rooms where garments are made for general employers, have already greatly increased the efficiency of the Factory Inspector's Department, and enlarged its service to the public. Too little time has elapsed since the sweatshop law went into effect, in September, to give a full report of its benefits. As illustrating its efficiency in interfering with sweatshops I may mention that so far under its provisions 4,942 licenses have been granted and 918 refused. These 918 cases represent the sweatshops which would now have been in operation save for this law and for the way it has been enforced.

"I shall not ask for any increase of the number of salaried inspectors this year, but I recommend that the power be given to the Governor and to the Factory Inspector to name, whenever necessary, unsalaried inspectors to undertake special investigation or aid the department at special times. Such assistance would increase the efficiency of the work of the department without imposing added burdens upon the state.

"I urge that the legislature give particular attention to the need of reform in the laws governing the tenement houses. The Tenement House Commission of 1894 declared that, in its opinion, the Tenement House Laws needed to be revised as often as once in five years, and I am confident that the improvements in building materials and construction of tenements, and the advance in sanitary legislation all demand further modification of existing laws. Probably the best course to follow would be to appoint a commission to present a revised code of Tenement House Laws."

Lynching and the Franchise Rights of the Negro.—The Rev. Edgar G. Murphy, the Secretary of the Southern Society, which holds a Conference on Race Problems at Montgomery, Ala., in May, in a recent address delivered in Philadelphia, upon the joint invita-

tion of the American Academy of Political and Social Science, the American Society for the Extension of University Teaching and the Civic Club of Philadelphia, spoke very clearly on both the subject of lynching and the franchise question. His opinions are significant as those of a young and progressive Southern man who is definitely committed to an active policy until some settlement of the race difficulties in the South is reached. The following is a quotation from his recent address now published in pamphlet form :

"Of the lynching problem I shall hardly pause to speak. It is only the sensational aspect of difficulties more essential and more significant. There has been less lynching at the South this year than ever before. The excuseless atrocity of certain lawless penalties has shown that the mob is in the hands to-day of a lower element than it could once enlist. The presence of a few strong men at the ordinary lynching, served, a few years ago, to secure some semblance of decency and order. They were the restraining element, and that element is now withdrawn. The very madness of the mob reveals the desertion of those whose presence gave it the only weight it ever had with the better people of the South. The whole method is being rejected by its only influential and responsible advocates. Lynching is becoming, in most instances, but the device of the unthinking ; and it is doomed. It has given the criminal the crown of a pseudo-martyrdom among the very race it was intended to warn ; it has given to the real victim the double martyrdom of a needless publicity ; through the power of criminal suggestion it has multiplied the crimes it has attempted to check, so that it conserves neither the majesty of the law nor the security of the home.

"The general problem of the Negro's legal rights—his rights before the Southern jury and before the average court, presents our subject, however, under one of its darkest aspects. It is hard for the Negro to get justice. The evil is not easy of remedy, but Southern men are working upon it, and Southern men themselves will right it, in so far as it can be righted. I need hardly tell you that this evil is not peculiar to the South. As Professor W. F. Willcox, of Cornell—chief statistician in the census office and a Northern man—has indicated in a recent paper upon Negro Criminality, there are more convictions of Negroes for crime at the North, in proportion to the number of the Negro population, than at the South. The result is due, I think, not only to the Negro's weaknesses, but to the popular prejudice, everywhere, against an inferior race. It is due to the presence in the jury box of the very element which feels the deepest racial antipathies ; for it is as hard in the South to get a jury—especially in connection with petty cases—which will really represent the conscience, culture

and life of the community, as it is in the North. I know of scores of attorneys who are giving of their interest and time to the service of Negroes, without thought of remuneration, and they tell me, strange as it may seem to you, that the juror in the South to-day who is most just to the Negro at the bar is the slave owner of a former time. The Negro meets his hardest and most unreasonable penalties at the hands of the later class of workaday people, who, coming to judgment in this hour, are like that prince in the kingdom long ago who knew not Joseph. Moreover, the cause of justice to the Negro is usually safe in the hands of those who have really known him. The people of the old régime, with their direct descendants, usually represent the gentler classes, the Patrician element, in Southern life. Justice at the South is secure, as it is secure everywhere, just in so far as the surface frictions of class and caste and race are met by the sweetening and healing forces of experience, education and religion."

On the questions of the suffrage we note the following:

"When we touch the problem of political privilege in relation to the Negro, we open up the questions that most deeply divide the opinions of Southern men. Never, to any people, has there been proposed a problem so terrible in all the alternatives which it presents. The subject, studied not in its theoretic bearings, but in relation to the facts, is bewildering in the complexity of its embarrassments. Not long ago, in conversation with one of the wisest leaders whom the Negroes to-day possess, I asked him this question: 'My friend, suppose this problem were left frankly and absolutely in your hands for you yourself to solve—what would you do with it?' Turning to me, he said with the greatest deliberation: 'Mr. Murphy, if I had the power to secure again the conditions of the reconstruction period—every Negro in my county with the ballot—every Negro casting his ballot—I would shrink from the consequences it would involve. I could not so decide.' Every man who knows the actual working conditions of the Southern county where the white voters are outnumbered by the Negroes six to one, knows also that the welfare of the Negroes themselves is contingent upon the supremacy of the forces of intelligence and property. It is simply a question of the preservation of those very economic and social conditions upon which, at the last, the Negro himself is dependent for his light and leading and welfare. . . .

"As to the internal policy of the state itself toward the problem of Negro suffrage, I think Southern men are feeling the need, increasingly, for a limitation of the franchise by an educational and property test. There are multitudes of us, however, who feel that this test—in justice to the welfare of the state, and in justice to the white man, even more than in justice to the Negro, should apply to

the shiftless and the illiterate of both races. Under the provisions of the Fifteenth Amendment, such a test cannot technically be offered to the one element of the population without being offered to the other. But, through the introduction of "understanding clauses" and through other subterfuges of legislation, such discretionary power is given to the judges of election, in the states which have adopted it, that the test in its enforcement bears chiefly upon the Negroes. Such a provision—as in the case of *Williams v. The State of Mississippi*—has been sustained in law by the Supreme Court of the United States, but in its application it carries with it all the moral odium of the practice of deceit and force. It is attended with the same heavy burdens, to the consciences of both the oppressor and the oppressed as the more open employment of violence and wrong.

"Southern sentiment will not approve the disfranchisement of the illiterate Confederate soldier. In any civilization, there is a deep and rightful regard for the man who has fought in the armies of the state. But, with that exception, the state must eventually protect itself, and protect the interests of both races, by the just application of the suffrage-test to the whites and the blacks alike. The soldier element in Southern life is rapidly passing away through the ravages of suffering and age and death. When the question then comes before the South strictly upon its merits, I have full faith in the answer which the South will give. The South must, of course, secure the supremacy of intelligence and property. . . .

" . . . How are we to secure this solution? How may we obtain the legal and working expression of this idea of *justice for both races*? I answer—perhaps to your surprise, but altogether without hesitation—through, and only through, the partial modification of the Fifteenth Amendment to the Constitution of the United States. That provision has made the cause of the Negro's civic rights the cause of the federal authority, and has thus operated to weaken and in part to destroy that sense of local responsibility which is, practically, and in the last analysis, the sole arbiter of his political fortunes. I do not suggest its reversal in such a sense as would in terms destroy that potential citizenship of the Negro to which I have referred, but I do suggest such a modification of the amendment as may make the question of the definite conditions of the franchise a local issue in every state of the union. Such a proposal, as men to-day forget, bears the seal of the consummate statesmanship of Mr. Lincoln himself,

"The franchise is in fact a local issue. The Fifteenth Amendment is inoperative to-day except as an irritation. It does not enfranchise where the public sentiment of the state disfranchises. It does not

give any man a vote to whom the local sense of the public welfare refuses the privilege of the ballot. It is a dead letter in the organic law of the country. The 'understanding' clauses and the 'grand-father' provisions of the state law are already adequate to annul its intended influence and to limit the Negro vote wherever that vote, through the overwhelming numbers of an illiterate and shiftless electorate, would involve the county or the state in social, civic and commercial ruin. I do not believe in legislative subterfuges, but the legislative subterfuge represents a higher morality than the dominion of a brutal and irresponsible illiteracy. The dominant party of the reconstruction period, rejecting the saner counsels of Mr. Lincoln, made us try the latter method, and its memories have burned to the very bone. The Fifteenth Amendment broke down at the South under the odium of its military enforcement. You here—our friends and brothers and fellow-helpers of the North—would be the last to see the experiment repeated. Unless, then, the national government is prepared so to enforce it, we are thrown forward inevitably upon the conclusion that for its practical applications the Fifteenth Amendment is dependent upon local sentiment, and that the franchise is in fact a local issue."

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ABBREVIATIONS.—In the Index the following abbreviations have been used : *pap.*, principal paper by the person named ; *com.*, briefer communication, by the person named ; *b.*, review of book of which the person named is the author ; *p. n.*, personal note on the person named ; *r.*, review by the person named.

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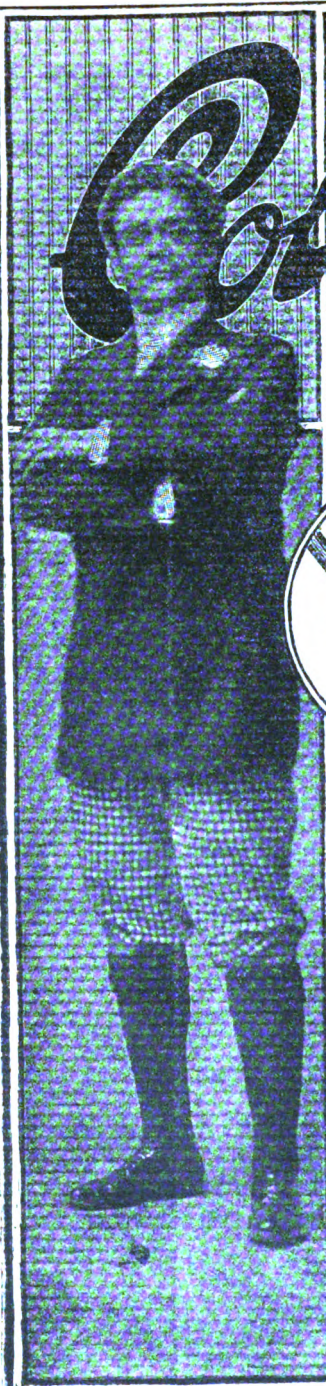
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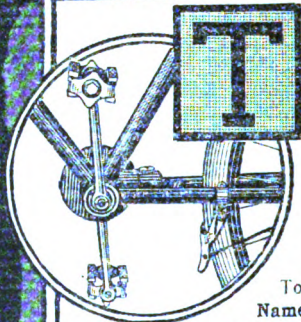
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I

THE CONTROL OF PUBLIC SERVICE CORPORATIONS ∴ ∴ ∴ ∴ ∴ ∴

THE POSSIBILITIES AND LIMITA-
TIONS OF MUNICIPAL CONTROL

INTRODUCTORY

BY PROFESSOR L. S. ROWE

UNIVERSITY OF PENNSYLVANIA

THE POSSIBILITIES AND LIMITATIONS OF MUNICIPAL CONTROL.

INTRODUCTORY ADDRESS.

Professor L. S. ROWE, University of Pennsylvania.

The duty of introducing the topic of this afternoon's session—"The Control of Public-Service Corporations"—demands that I should limit myself to the general principles involved rather than enter upon a detailed analysis of any one of the many phases of the question. The rapid changes in municipal policy during recent years makes this task all the easier, for in these changes the possibilities and limitations of municipal control are clearly reflected.

After a long and uninterrupted period of reckless franchise grants, we have suddenly awakened to the inconveniences of the situation. The increasing burden of local taxation has turned attention to the value of these franchises, and has given rise to a very definite demand that they be made a more important factor in the income account of the municipality. But here the opinion of the community divides, one group favoring a system which will compel the companies operating under the franchises to give a larger return for the privileges enjoyed, the other advocating direct municipal operation of the whole class of public-service industries. Widely divergent as these views are, they have one trait in common—to secure a larger return to the public treasury and thus relieve the burden of taxation. This view of the relation of the public-service industries to the public has been greatly strengthened by glowing accounts of European municipalities, where, we are assured, taxes are gradually disappearing because of a careful husbanding of public right and public property. We are even told that Glasgow is able to dispense with taxation and is now supporting herself with the proceeds of municipal public works.

The truth or falsity of these statements is not a matter with which we are concerned in the present connection, although I may say in passing that they are very far from the actual situation. My only purpose in citing them is to show the phase of the question which arouses the greatest interest in the American public.

But is this the only, is it even the most important, aspect of the problem? In dealing with corporations enjoying public franchises should the control of the municipality have as its main end the exacting of the largest possible pecuniary return for the privileges granted? If this be the case, the form of control will be exclusively financial and will end at the point at which the maximum money sum is assured. The tendency toward this interpretation is so strong, and, as I view the situation, so completely out of harmony with the best interests of the community that, unless speedily checked, the growing body of opinion in this field of municipal affairs is likely to be turned in the wrong direction.

To explain this attitude we must look to one of the peculiarities of American institutional growth. In no other country has there been so complete a differentiation between the political life of the community on the one hand, and its social and industrial activity on the other. We fail to distinguish between the "city" and the "municipality" and constantly reason as if the interests to be safeguarded are those of the public authority and the public treasury rather than those of the body of citizens considered as members of the community. In emphasizing the interest of the government, quâ government, we lose sight of the interests of the citizen. To such a point has this been carried that questions of governmental power are viewed exclusively as political rather than as economic and social problems. No attempt is made to bring governmental action into organic relation with the political and social life of the community. When, therefore, the problem of control over public-service corporations arises, the only question seems to be: "How

much can the public treasury obtain from such corporations?"

This narrow and one-sided view of the situation fails to take into account the important part which the street railway, water and gas service play in the daily life of the community. Under ordinary circumstances a reduction in taxation of five mills, or even of five cents per hundred dollars valuation, means little or nothing to the welfare of the community, no matter how cordially welcomed by the taxpayer. On the other hand, a reduction of street railway fares from six to five or four cents, or what is even more important, a change in motor power, which increases the rate of speed from seven to fifteen miles an hour, means a revolution in housing conditions and a strengthening of the industrial efficiency of the whole community. Similarly, a reduction in the price of gas from one dollar to fifty cents per thousand cubic feet may work far-reaching changes in industry, giving a new lease of life to the small producer through the introduction of the gas engine. The substitution of the gas for the coal-stove, which a low price of gas makes possible, is certain to work radical changes in the housekeeping problem. In a city like Glasgow, for instance, where under municipal operation the price of gas has been reduced with each advance in the economy of production, the diet of the laboring classes has undergone radical changes directly traceable to the economical cooking facilities thus offered. In Paris, on the other hand, where the public authority has been mainly interested in the annual return to the public treasury, petroleum still remains the illuminant of the poorer class and the variety of food is limited by the expensiveness of cooking. I take these instances from European cities because in the United States, owing to the higher rate of wages, the pressure has not been so keenly felt. We have hardly begun to realize the significance of a low price of gas to the social well-being of the community. The same is true of the water and street railway services.

When, therefore, we examine the status of the class of corporations under consideration, not merely in relation to the city government as such, but also in their broader relation to the interest and welfare of the whole community viewed as a group of consumers, the purely financial aspects of the question assume a position of secondary importance. We then see that the real test of efficient municipal control is to be found in the cost and quality of service rather than in the money return for the franchises granted.

The moment the interest of the consumer rather than that of the public treasury enters as the guiding principle in the control of the public-service corporations, it becomes necessary to examine each service with reference to the social and economic welfare of the community in order to determine where the emphasis of control is to be laid. In the gas service, for instance, the public is primarily interested in a low cost of service in order to utilize, to the fullest extent, the varied possibilities of gas as an illuminant, motor power and for purposes of heating and cooking. With the recent improvements in the mechanism of illumination we are rapidly approaching a point at which the candle power of the gas will be of secondary importance.

In the street railway service, on the other hand, rapidity of transportation, combined with comfort and convenience, are the primary requisites. With the higher rate of wages prevailing in American cities low fares must be placed second to the above requirements, and last of all comes the money payment to the city treasury for the privileges granted to the corporations performing the service. In other words, given the conditions of life in American communities, the emphasis must be laid on rapidity and comfort of service.

It may be that in European cities the most important end to be attained is cheapness of service, but this is simply another illustration of the fact that the question of control must be settled with reference to the peculiar needs of each locality. Given the antagonism to the tenement house

system characteristics of most American communities and the larger area covered by our cities which is the direct result of the demand for individual homes ; rapidity of transportation is indispensable and must be assured at any cost.

A comparison of the experience of American and European—particularly Continental municipalities in dealing with public-service corporations throws considerable light on the contrast between the two points of view above outlined. From the earliest establishment of a water, gas and street railway service, we find the authorities of European cities on the alert to obtain for the city the largest possible money return for privileges granted. Cheapness of service occupied a position of secondary importance, while efficiency, rapidity and convenience played but an unimportant part in determining the character of municipal control. The result has been that while the public-service corporations have been making large contributions to the public treasury, they have failed to make the improvements necessary to efficiency of service. The heavy fixed charges to which they were subjected combined with the low cost of service imposed upon them, discouraged experimentation with new methods and made the companies reluctant to make any radical changes involving the investment of large quantities of capital. The primitive system of urban transportation, which until within the last few years has been inflicted upon the population of European cities, has worked greater harm to the health, social condition and industrial efficiency of the population than can be calculated in a money sum. The evils of overcrowding, of which the unsatisfactory housing conditions are the most conspicuous, are directly traceable to the lack of a well-developed system of urban communication. It is a significant fact that in European cities the most efficient service is had through direct municipal operation, where considerations other than pecuniary profit are given due weight.

This sharp and striking contrast between European and American methods of granting franchises and of controlling public-service corporations contains a number of important lessons, both positive and negative. If we view the problem as a relationship between the corporations offering the service and the mass of consumers, we are forced to recognize that the absence of provisions for adequate pecuniary return for the privileges granted has not been without incidental benefit to the community. It has fostered a readiness to introduce improvements demanding enormous outlays of capital, to welcome the application of new motor forces, to experiment with the one-fare system; in short, to take risks which in the long run have proved great public benefits. It is true that so far as the corporations were concerned, these public benefits were incidental to the larger profits which they were seeking, but they remain none the less public benefits.

It is very far from my purpose to establish the rule that the fewer the conditions placed upon a franchise grant the greater will be the benefit to the community, but rather to enforce the principle that the conditions prescribed should relate, first, to the quality of the service, secondly, to its cost, and only after these requirements have been fulfilled should the money payment to the city be considered.

With the emphasis laid upon these elements, the problem of public control is simplified rather than complicated. Both as to quality and cost of service the community can readily form a correct opinion. The population is not dependent upon the municipal authorities for the data from which to form a judgment. Nor is there the same possibility of evasion, which is a constant menace to the effectiveness of purely financial control. There is hardly a city in the United States which has been able to secure for itself the stipulated participation in the profits of these companies. Whenever an actual money payment is in question, the temptation to evade it through the use of insidious corrupting influences

seems irresistible. In this field our administrative machinery is unable to cope with corporate power.

None of the recommendations thus outlined will dispense with the necessity of a careful control over the financial and administrative methods of these public-service corporations. This phase of the question will be so fully developed by the speakers who are to follow that I do not feel it necessary to say more than that the enforcement of this form of control will aid materially in demanding the kind of service which the community has a right to expect. At the present time we must accept without further question the statements of the officials of such companies as to the limit of concession which they are able to make. In order to make control effective, the public authority must be in a position to inform itself by independent examination.

This brings us to one phase of corporate financing, the control of which constitutes the first step towards an effective supervision over this class of corporations, viz., the operations incidental to leasing, combination and consolidation. Given our system of constitutional protection to property rights, it is evident that if the public-service corporations are to be permitted to combine on such terms as they may see fit to adopt, the problem of control is greatly complicated owing to the capitalization of future profits which usually accompanies consolidation. Under such circumstances it often becomes impossible for a company to meet the legitimate demands of the public without doing serious injustice to the purchasers of the stock representing the inflated capitalization, and, what is even more important, the public authority is unable to force any concessions owing to the Fourteenth Amendment, which forbids a state—or any of its agents—from depriving a person of property without due process of law.

We are here face to face with one of the most difficult aspects of the question—the problem of maintaining public control

throughout the process of consolidation and after such consolidation has been effected.

As long as public opinion remained unalterably opposed to combinations between public-service corporations it was almost, if not quite impossible to devise or enforce any system of control. Legislation was confined, in the main, to strongly worded prohibitions which were evaded with ease and which contributed much to foster the feeling of mutual distrust between the public and the corporations. During recent years, however, there has been a marked movement of opinion towards a recognition of the fact that in this class of industries free competition is no guarantor either of cost or quality of service, and that the possibilities of control are strengthened by the unity of management which accompanies monopoly. We are now beginning to see that many of the most serious difficulties of control would have been avoided if, from the very start, we had recognized the advantages of monopoly instead of attempting the hopeless task of establishing a form of free competition which could not, in the nature of things, be maintained. The practical question before us at present is to facilitate such combination, maintaining at the same time public supervision over the conditions under which such combination is effected. As has already been pointed out, to permit the consolidating companies to capitalize future profits, binds the hands of the public authorities in their efforts to obtain greater efficiency or lower cost of service. If this danger be avoided, a conditional monopoly will offer the best means of improving the service. The municipality can make its control intensive instead of extensive, it can always hold a definite and relatively small number of persons responsible for the kind of service offered to the public, and finally, it can the more readily enforce a strict control over the finances of the corporation.

The enjoyment of monopoly during good behavior places the company in a position to take larger risks than would

be the case if the field were divided amongst a dozen or more competitors. Experimentation with new methods can only be safely carried on when the capital at the disposal of the concern is so large as to make success or failure a matter of indifference to its financial stability. This is particularly true of those corporations the nature of whose business enables them to experiment on definite portions of their plant without involving the whole. Furthermore, the advantage of co-ordinating the different parts of the street railway, gas or water system is evident at a glance. The benefit derived by the public is not so much in the economy of administration and operation thus effected as in the possibility of more readily adjusting the service to the changing needs of the community.

From this analysis of the possibilities of municipal control, it is clear where the emphasis must be laid if these services are to contribute to the welfare of the community within the full measure of their possibilities. As we advance from a narrower to a broader concept of government, as we begin more fully to appreciate the far-reaching effect of slight changes in quality and cost of service upon the industrial efficiency and social well-being of the community, we will be more ready to give due weight to the various elements involved in the control over public-service corporations.

The foregoing discussion of the possibilities of municipal control has given a clue to some of the limitations and dangers to which such control is subjected. To complete the analysis we must examine some recent industrial changes which have already introduced profound modifications into the problem of municipal control, and which bid fair to bring about changes of even greater importance in the near future.

We have become so accustomed to regard the gas, water and street railway services as purely local in character, that the adaptation of our administrative machinery to the new

conditions under which these industries are now carried on is extremely slow and is attended with great difficulty. The forces at work in destroying the local character of these industries are increasing in strength at a rate which must soon compel a readjustment of the system of control.

The first of these influences is the rapid growth of the suburban districts of our larger cities, offering profitable opportunity for the extension of the gas, water and street railway services beyond the limits of the city. With every such extension the economy of production and distribution has been increased and has finally led to the total disregard of municipal, county or township lines. As regards the water service this movement has been further strengthened by the necessity of seeking sources of supply at great distances from the distributing centers. The economy of supplying all the localities along the route dictates the inclusion of a considerable section of a state within the area of exploitation of a single company.

In the case of the street railways, the change in motor power from horse to electricity has completely revolutionized the service; furnishing the most striking instance of the changed relation of the municipality to this class of industries. What was once a purely local means of transportation has already become inter-urban and will soon constitute a network of communication throughout the various states.

As a direct result of these changes two important questions present themselves:

First, Can the municipality still be regarded as the effective unit of control over this class of corporations? and

Secondly, Can the state permit the municipality to fix the conditions under which these industries may be carried on?

One of the first principles of governmental control over industry is that the unit of control must not be inferior to the unit of exploitation; that is to say, the power of the public authority must, at least, be coterminous with the field of operation of the industry. This has ceased to be

the case with the street railway companies, and, to a certain degree, with the water and gas companies. Just as the difficulties of state control over corporations, particularly transportation companies doing an interstate business forced us into national control, so the extension of the municipal public-service industries beyond the limits of the municipality will force the substitution of some larger administrative unit—possibly the state itself—as the controlling authority.

The ease with which local control is evaded by companies operating one system through a number of municipalities immediately suggests itself as the most important argument in favor of a change in the form of control. All that is necessary is a skillful manipulation of accounts by which those portions of a street railway line or water plant which happen to be under the supervision of the most troublesome local authorities are burdened with an undue proportion of fixed charges and operating expenses. When, as in Massachusetts, it is not uncommon for a street railway company to operate under franchises from ten, and in one case from nineteen different towns, independent municipal control is out of the question. The state railroad commission is the recognition in law of this condition of fact.

The dangers involved in independent municipal control are not confined, however, to the mere question of corporate supervision but include the efficiency of the service as well. In fact this is by far the most important aspect of the question. The traditions of local self-government in which we have been trained lead us to regard municipal control over the granting of franchises with the same unquestioned assurance as the ownership of the public highways, in fact the former as part of and incident to the latter.

The harmony between these two powers remained undisturbed as long as the effects of local control did not extend beyond the limits of the municipality. With the expansion of the public-service industries, however, an entirely new

situation confronts us. Territorial districts larger than the municipality, yes, even the state itself, have a real, a vital interest in the conditions of a franchise grant. The state can no more permit one or two towns to hold up a great system of public transportation or the inter-urban distribution of water or gas, than it can tolerate the blocking of great public improvements by individual property owners.

Nor is this difficulty likely to disappear. Municipalities are being subjected to increasing temptations to exploit their strategic position by placing extortionate burdens upon public service companies. Here again the tendency to lay exclusive emphasis upon the money return for the franchises, rather than upon quality of service, increases the danger of conflict between the interests of the local treasury and the community at large. The only possible outcome of the situation will be that the conditions of franchise grants by local authorities will be subject to review by a state board, or that the state law will set the terms or at least the limits of local authority.

To sum up briefly the conclusions of this introductory discussion: An attempt has been made to show that the municipal public service industries must be considered in their relation to the industrial progress and social welfare of the community and that the relation between the municipality and the corporations performing these services must be adjusted with this end in view. Pecuniary return must be subordinated to quality and cost of service. Keeping both of these in view, it is evident that the old opposition to combination and monopoly in this class of services is out of harmony with the best interests of the community.

Finally, the changes in the conditions of these industries themselves has threatened, and promise still further to undermine the efficiency of municipal control. In the readjustment which must soon be made, municipal control must be subordinated to the larger interests of the state.

THE CONTROL OF PUBLIC SERVICE CORPORATIONS. FINANCIAL CONTROL—CAPITALIZATION ∴ ∴ ∴.

**BY BIRD S. COLER,
COMPTROLLER OF THE CITY OF NEW YORK**

THE CONTROL OF PUBLIC SERVICE CORPORATIONS. FINANCIAL CONTROL—CAPITALIZATION.

Address of BIRD S. COLER, Comptroller of the City of New York.

Overcapitalization of corporations is frequently resorted to as a means to cover up exorbitant profits. Parsons, in his admirable book entitled "The City for the People," defines overcapitalization as "the twin sister of extortion," and says that "both arise naturally from the desire to squeeze as much wealth as possible out of the people and keep the people quiet during the process. Get a franchise, issue a lot of stock, keep enough of it to retain control of the enterprise, sell the rest, build your plant, bond it for all it is worth and recoup all you put into the concern, then double up the stock and keep adding to it as the business grows, so that an actual profit of 20, 50 or 100 per cent on the real investment will be only 5 or 6 or 7 per cent on the bonds and stock, and so *appear on the face of the accounts* to be only a reasonable profit, not likely to arouse opposition or set in motion the legislative or administrative machinery for the reduction of the rates—this is the normal monopolistic plan."

In this connection it may be mentioned that a special committee of the Assembly of the State of New York appointed in 1895 recommended bills limiting capitalization of public service companies to one and one-half times the cost of construction, and providing for decreased charges for service whenever 5 per cent on capital was earned.

The capitalization of public service corporations becomes of great moment to the municipality exercising control where the cash return to the municipality is based upon the net earnings of the corporation. Fortunately we have few instances of this in our municipality, and every case is constant source of trouble to the city.

The Dry Dock, East Broadway and Battery Railroad, which pays to the city of New York 5 per cent on net proceeds of the Grand Street branch only, and a portion of the system of the Manhattan Elevated Railroad, which is chargeable with 5 per cent of its net receipts, are the only corporations which pay a franchise tax based upon net profits. Others pay a certain percentage of their gross receipts, which under the Act of 1884, amounts to 3 per cent of the gross receipts for the first five years and 5 per cent thereafter in cities with a population of two hundred and fifty thousand or over. In smaller towns the local authorities may require a maximum of 3 per cent of gross receipts. Still others pay a license fee of fifty or twenty-five dollars per car, and in a few cases charters were granted by the legislature without compensation, or providing for a small fixed payment, as in the case of the Houston Street, West Street and Pavonia Ferry, where one thousand dollars per annum is the sum stipulated, although this company also pays car fees of fifty dollars per car.

The management of ferries belongs to the Department of Docks and Ferries, subject to the supervisory control of the Commissioners of the Sinking Fund, who must lease them on competitive bids for not over ten years at a time. Some of our ferries pay as franchise tax, certain percentages of their gross receipts, others fixed sums besides wharf rent. The compensation for other privileges granted by the city is variously arranged; pipe line franchises being leased at fixed rentals, while gas and steam companies pay either a certain percentage on gross revenue obtained from all public and private customers, or a small amount per foot for each lineal foot of mains and pipes laid. This latter provision for compensation, in the case of the New York Steam Company, is limited so that when \$150,000 has been paid in by the company to the city, the franchise shall have been considered to be paid in full.

In the case of the Consolidated Telegraph and Electrical

Subway Company and the Empire City Subway Company, the company is obligated to pay to the city treasury all its net earnings in excess of 10 per cent cumulative upon the actual cash capital invested by it in providing, constructing and equipping its subways. In connection with this company, it is interesting to note that its sworn returns for the years 1893, 1894, 1895 and 1896 show that in every instance the net income is less than $2\frac{1}{2}$ per cent of the cost of construction as stated. As the company is entitled to 10 per cent cumulative upon its cash capital invested, the chance of the city obtaining something in return for the franchise given is indeed remote. The compensation for street vault privileges is usually fixed at a certain price per square foot of space occupied. It appears, therefore, that in this city there is a great variety in the method of requiring compensation for franchises granted.

If the policy of basing the city's revenue upon the entire gross receipts of public service corporations could be universally adopted and adhered to, there would seem to be little necessity for anxiety or concern in regard to the question of capitalization, excepting where a readjustment of percentages is deemed necessary, or municipal ownership of these corporations is proposed.

Touching this matter of municipal ownership in connection with the subject of capitalization, it is interesting to note that some of the early charters contain provisions allowing the city of New York to acquire roads at their actual cost after a certain time. In such cases it becomes an interesting question how the actual cost is to be ascertained. It certainly should not be determined by the promulgated capital of the concern.

Mayor Grace in vetoing the franchises of the cable railway in 1886, stated that in 1884 the capital of the surface railways in operation was \$15,707,753, and the bonded debt, \$11,266,665; that in that year $14\frac{1}{2}$ per cent dividends on the average had been paid on the capital and 6 8-10 per cent

interest on the bonds, and he declared it more than a fair assumption to place the actual cost of their construction and equipment at the aggregate of their bonded indebtedness, so that on this basis the dividends and interest paid would represent a return of 27 per cent on the bona fide investment.

The Supreme Court of the United States (148 U. S., pp. 312, 327), in referring to the subject of determining the amount of capitalization in order to ascertain the fair valuation of a plant, the purchase of which is contemplated, made the following declaration: "The value of property, generally speaking, is determined by its productiveness and profits which the use brings to the owner; the value is not determined by the mere cost of construction." In another case in Pennsylvania (144 Pa. St. 365, 374 and 375), decided in 1891, the court said: "Value is to be ascertained not only by the cost of the structure, but also by the value of the franchise. The value of the company's franchise depends largely on its earning capacity."

By the Massachusetts Lighting Law, which provides for municipal purchase of gas and electric plants, the price of the property "shall be its market value for the purposes of its use (no portion of such plant to be estimated, however, at less than its fair market value for any other purpose), including as an element of value the earning capacity of such plant based upon the actual earnings being derived from such use at the time of the final vote. Such value shall be estimated without enhancement on account of future earning capacity or good will or of exclusive privileges derived from rights in the public streets."

The Hon. Henry Winn, a high authority, views this matter in a different light. He gives it as his opinion that the people should pay only for what they get in tangible property and private rights not derived free from the public, and not for the franchise. I recall the following quotation from Bemis' "Municipal Monopolies": "The question of compensation for franchises is one of the most difficult in

the whole range of municipal laws. Happy is the city or town that can solve the problem by keeping its franchises from the start or by putting conditions in the franchise grants securing fair rates and good services and providing that after ten, twenty or thirty years the whole property, franchise and physical plant, in good condition, shall become public property without further compensation." Durand, in his work on the Finances of New York City, calls attention to the fact that the experience of foreign cities with railways and lighting plants, and especially the success of municipal ownership of these enterprises, has been largely cited by the advocates of reform. In Berlin, for instance, the Consolidated Railway Company, besides having made large cash payments for the original franchises, pays $8\frac{1}{2}$ per cent of its gross receipts, reimburses the city for paving and cleaning between its tracks, and in 1911 the entire system will become the property of the city without cost.

In many other continental cities a similar provision for reversion of the tracks to the public exists. The absurd practice of granting perpetual franchises is almost unknown. The same is true in Great Britain. Manchester, Birmingham and a large number of other cities own the tracks and lease them to private companies at very favorable terms, while half a dozen or more cities, the most important being Glasgow and Bradford, actually operate the systems by municipal employes and with marked success. Many of the English cities alike own and operate lighting plants, and though furnishing service at rates much lower than are common, would succeed in earning a handsome net revenue. The fact cannot be overlooked, however, that the conditions of employment in the civil service of these cities is very different from what exists in this country, and that it is far more favorable to the practical success of operation of business enterprises by municipalities. The city of New York would seem to have achieved a large measure of success in respect to conserving to the public the value of public

franchises in its scheme for the construction of the great subway of the Rapid Transit Railroad.

And now let me say a few words as to methods of accounting. As has been stated before, so long as public service corporations pay to municipalities granting them their franchises a compensation based upon the entire gross receipts, the municipality need not concern itself with the matter of the company's capitalization, but it oftentimes happens that revaluations of these privileges become necessary, and in these days of municipal reform and progress, the acquisition by purchase by the municipality of the privileges and plant is likely at any time to be carried into effect.

It becomes then, a matter of importance that the books of account of all public service corporations should contain a true, perfect and complete record of their finances, so that reliable statements of financial status can easily be extracted therefrom. As a means to this most desirable end, I am inclined to favor, first—uniformity of accounting methods to be prescribed by the comptroller for corporations engaged in the same business as, for instance, street railroads, gas and electric illuminating companies, etc.; and, second—that these books of account should, at all reasonable times, be open to the inspection of the comptroller or his representative. While I favor this restriction upon public service corporations, I would go further and welcome legislation which would provide for financial statements certified by disinterested accountants and a strict official scrutiny of the accounts of all corporations, the stock and bonds of which are offered as an investment to the general public.

Speaking broadly, the books should be so kept that revenue of every kind and nature, and the sources thereof, will be clearly shown, and that disbursements will be classified as operating or capital expenditures. A sharp distinction should also be made between extensions of plant and renewals, replacements and ordinary repairs. Too often is it the case that expenditures for renewals of plant are added to

the "plant account," with absolutely no deduction for loss, nor any allowance for deterioration. True inventories frequently give the lie to apparently well kept book accounts.

How shall the city be compensated for these valuable franchises? As to railroads, our own state law provides for a sale at auction to the bidder offering the highest percentage of gross receipts, in no case to be less than the three and five per cent minimum previously fixed, and in some of our ferry leases the minimum sum to which these gross receipt percentages shall amount to, is fixed. In some respects, this method of taxation is desirable because it is easy of computation and proof, and is fair alike to the public corporation and to the municipality itself.

In the State of New York there is a genuine and rapidly growing popular interest in these matters, which was responsible for the enactment of the Franchise Tax Law by the legislature in 1899. This law which is designed to subject to annual taxation the full value of the franchises of corporations making use of the streets and avenues of cities, is far more sweeping in its provisions than any of the laws heretofore enacted, which provide for levying contributions based on either gross or net receipts or earning power on any form. If it is found to operate satisfactorily it will undoubtedly supplant the latter method of taxing franchises. The law itself provides that corporations subject to this franchise tax shall be entitled to deductions for amounts paid locally by way of percentages on earnings, etc. It is manifest that if this substitution in the method of assessment should become general, the whole question now under consideration would become of merely academic interest, and the collection of taxes on franchises would be immeasurably simplified.

**THE DIFFICULTIES OF CONTROL
AS ILLUSTRATED IN THE HIS-
TORY OF GAS COMPANIES ∴ ∴**

**BY PROFESSOR JOHN H. GRAY
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THE DIFFICULTIES OF CONTROL, AS ILLUSTRATED IN THE HISTORY OF GAS COMPANIES.

Professor JOHN H. GRAY, Northwestern University.

One of the most striking things in the political, industrial, and administrative development in America, is the fact that conditions grow up, develop, and press for a solution long before the most advanced thinker has worked out any theory of how to deal with them.

We are in an age of marked increase and concentration of machinery and industry under corporate management. So long as we expect to make material progress, we must apparently not only expect this movement to continue, but also to increase in intensity. The size, too, of the individual corporation is likely to grow.

We have discovered no other form of voluntary organization capable of carrying the world's progress forward. Whatever may be said of government socialism as a remedy, it is not likely, in our day, to drive all the public-service corporations from the field, or even to do away with the particular kind of corporation now under discussion.

If, then, the privately owned corporations have come to stay, what can we do to lessen and curb the unmistakable evils connected with them, at the same time that we render more satisfactory the service furnished by them, and encourage private enterprise?

Let us confine our attention at present to the gas industry. In the first place, we are fortunate in the kind of corporation selected. Whether we consider the question historically or theoretically, the incorporated gas company presents almost every interesting phase of what is known as the corporation problem.

Artificial illuminating gas is now about to enter upon its second century. Within recent years, three important competitors have entered the field; namely, petroleum, natural gas, and electricity. Nevertheless, artificial gas remains to-day, for the great majority of city dwellers, the most widely-used, the cheapest, and the safest means of both public and private lighting.

The supply of this service is recognized to-day by all competent students, if not by all voters and legislators, as one of the most perfect types of what are known as natural monopolies. The gas company usually requires, in addition to a franchise, a special local license for the use of the streets. When installed, the corporation comes perhaps into closer contact with both the individual consumer and the municipal government than almost any other corporation enjoying special privileges in the streets. Both the manufacture and distribution of gas are highly technical operations, requiring a considerable degree of skill. Of the cost or methods of these operations, the average consumer, under present conditions, can know nothing. The fluctuations in the price of materials, and the constant improvements in methods and processes of manufacture add to this difficulty. In fact, to say nothing of cost, the consumer is unable to determine for himself even the quality, purity, and safety of the article offered him. Some idea of the rapidity and wide-reaching influence of these changes can be seen if we recall the fact that within a period of about twenty years, one complete revolution in method of manufacture (involving almost a complete change in major and minor materials) has been wrought; while within the last five years changes have been introduced which those in control of the processes, believe will, in the immediate future, work a still greater revolution than that brought about by the introduction of water gas. This process involves a return to bituminous coal as the chief material, but by a change of method the gas becomes no longer the chief product or aim of the operation, but

merely the joint, and minor, or by-product, of a coke manufacturing plant.

It is, in my opinion, altogether too early to predict the outcome of the attempt to distribute coke-oven gas over great areas from a central plant. But we should not lose sight of the fact that the venture is in the hands of men powerful—both intellectually and financially; and, that the experiment has already gone far enough to call forth a large investment of fixed capital. This investment has, of course, already deeply affected the securities of the old companies in that vicinity; while the pressure for privileges for the coke-oven experiment, now in progress at Everett, caused the legislature of conservative Massachusetts to reverse entirely the policy of the state in regard to public-service corporations.

If anything further were necessary to prove that the gas companies are typical of the problems now uppermost in the public mind, a mere reference to the fact that the Bay State Gas Company of Delaware—of which more hereafter—a financial company organized chiefly to recapitalize the surplus of the Boston companies, has authorized an increase of its nominal capital, within a short time, to \$1,000,000,000—the largest nominal capitalization ever reached in the whole history of joint-stock companies.

So long as such changes in the industry as have taken place in the last two decades are in progress, or are even seriously anticipated, control of the companies, while all the more imperative, is doubly difficult to obtain with our weak condition of government. For, until the honest and well-meaning, but uninformed, voter has thoroughly discarded his instinctive faith in competition in this industry, any shrewd and unscrupulous manipulator who can get possession of patents for supposed improvements, can blackmail existing companies. Any refusal on the part of the old company to pay the tribute demanded by the holders of these patents, whether the patents promise to be useful or

not, means, in the present condition of public opinion, simply the introduction of a competing company, with its inevitable burdens for the consumers. This is all the more true so long as public opinion can be so easily manipulated.

So far a company has had to count on frequent attacks of this kind from the enemy, and has tried to adjust its income to meet them. But to do this it is necessary for it to keep all of its affairs as secret as does an army in the face of the enemy.

This is the key to the situation; and whatever policy of the state towards these corporations will tend most effectively to educate the voter as to the true nature of the companies and their business, is the best policy. It ought to be needless to say that until the average voter is much better informed in regard to the complexity and scientific needs of government and industry, public ownership will not bring about the desired results. It is safe to say that we have no governments to-day, state or local, capable of dealing satisfactorily with existing evils under any form of ownership or control, and that we shall have none until the mixed population of our cities realizes that non-partisanship, permanency of tenure, and high scientific qualification are requisite to successful administration of government, and especially to the successful public control of corporations.

This is perhaps as important a question as any with which the American public has ever had to deal. It should not escape observation that, in addition to being corporations liable to all the ills to which such bodies corporate are subject, these particular corporations operate almost entirely in the cities, and in a very important sense in the great cities, and thus touch the whole question of local and municipal government. It is doubtful if any considerable improvement in city government can be rationally looked for unless preceded by, or at least accompanied by, an improvement in the kind of corporation under consideration and in its relation to the public. The marvelous development of our cities

and our material resources in general, with the necessary haste and pressure accompanying it, has caused a general neglect of public affairs and, at the same time, has allowed evils in the management of public-service corporations to become truly gigantic before any unified body of knowledge grows up, and before public sentiment can be created and concentrated upon the evils. Above all, this haste, confusion, and absence of any principle of action has prevented effective public demand that the state should make any serious attempt to enforce even its common law right of supervision over corporations, or that it should reserve in the act of incorporation the additional statutory powers necessary to effectual control under modern complex conditions. Thus it is that the companies have in practice been able to maintain almost universal secrecy. They were allowed to run wild for so many years that they actually came to despise the state that created them, and to believe that this creator had no moral or legal power over them. If their beliefs did not go so far as this, their practice extended at least to a virtual denial of the right of the state to enforce even the rights expressly reserved to it by the charter. The managers went so far at one time as to claim that all knowledge of the affairs of the companies not only of right belonged exclusively to them, but also that such knowledge, if imparted, could have but little interest or value for any one else.

This chaotic condition lasted in the older states until after the Civil War, and has not yet disappeared from many portions of the country. There being during this period no popular or legislative appreciation of the monopolistic character of the industry, there is scarcely an important city in the United States—outside of Massachusetts, whose companies will receive special attention presently—in which rival gas companies have not, at one time or another, waged war upon one another. Partly from ignorance, partly from simple yielding to popular prejudice and clamor to catch

votes, the legislatures of all the more important states have, from time to time, passed prohibitory and penal statutes against the companies. But in no single instance, with the exception of Massachusetts already noted, has any effective machinery or organ of government been established to enforce the prohibitions and penalties. In many cases the language of the statutes was itself unintelligible. The principal ostensible object of the legislation of this period was to secure a safe gas, of good quality, at a fair price, by preventing excessive capitalization and excessive earnings. But all this legislation failed miserably because of the weakness, or complete lack, of administrative machinery to find what the companies were actually doing. Nothing was more common a generation ago, than for the charter to require a company to furnish a "good gas," or "as good gas" as some other company named, without any definition whatever of the phrase "a good gas" in the case of either company. From time to time the provision took a great variety of forms, all with the same vital weakness. No effective steps were taken in any of these cases to test the purity or illuminating power of the gas.

That corporations of all kinds were at that time simply treated as orphans and neglected by their parent, is proved by the fact that the legislatures of some of our best governed states often forfeited the charters of from 800 to 1,500¹ corporations by a single vote because the corporations could not be found by the tax assessor. Imagination cannot go so far as to suppose that a state exercises any effective control over corporations of whose very existence it is in doubt. Broadly speaking, the only supposed means of enforcing the provisions of the charter was by suits before the ordinary courts, brought either by individuals or by the attorney-general. For obvious reasons both means were impossible of practical application; and the prohibitions and penalties might as well have been left out of the statutes.

¹ See *Mass. Sen. Doc.* 37, 1892.

Such, in brief, is the attempt to settle the relation of the gas supply to the public in all the American states except Massachusetts, save in the few, and, for our present purpose, relatively unimportant attempts at public ownership. In Massachusetts the case is otherwise.

The development of the gas supply in Massachusetts¹ offers one of the most interesting and instructive chapters in the development of the modern business corporation. In the first place, the corporation laws of Massachusetts have, from the beginning of this form of doing business, been much more strict in both form and administration than those of any other of our states. Therefore, excessive capitalization was less frequent and corporate abuses, generally speaking, less flagrant than elsewhere. For this reason the field was less enticing to the unscrupulous promoter and blackmailer. Hence there were fewer competing companies with their train of evils. In fact, until the present generation, competition was prohibited by statute until companies exceeded a fixed rate of dividend for a considerable number of years. It is needless to say that under that law, whatever the possibilities, under the circumstances, companies found it expedient to keep formally within the legal rate of dividend.

With the then existing ideas of administration and control, the state was not in a position to compel from companies thus protected, good managements or efficient service. The result was, if not unlimited, at least irresponsible monopoly. For some occult reason unknown to me, but probably as a result of the general popular outcry then rife against monopolies, the legislature, in 1870, repealed this partial prohibition of competition.

For about a decade thereafter, the city government of Boston, which, according to the almost universal American custom of the time, had, under the authority of the legisla-

¹ A detailed history of the Boston gas supply has been published by the present writer in the "Quarterly Journal of Economics" for July and October, 1898, and April and November, 1899.

ture, power over the question of competition in that city, refused to admit a competing company.

But so soon as the holders of water-gas patents gained considerable confidence in the value of the new processes, circumstances suddenly changed. No American city council could possibly stand out against the attacks and allurements of the promoters of water-gas processes. There were in the early eighties not less than six companies supplying gas within the limits of Boston. The exact extent of the respective portions of the city in which these companies might act has never been determined. Some of the companies, beyond question, had rights throughout the whole city. Some had come into the city only by annexations of territory. But whatever their legal rights, two of them—the Charlestown and East Boston—are cut off from competing with the others by natural boundaries. The remaining companies had, in fact, never attempted to compete, but by agreement, each had confined itself to an exclusive portion of the field. The legislature has never specifically limited dividends of the gas companies of Massachusetts nor, save by implication in the Act of 1855, limiting competition, has it expressed itself on the question of what is a fair rate of dividend for a gas company to pay. But traditions are often stronger than statutes, and for many years there has been a well established tradition that a gas company is entitled to charge prices sufficient to keep up the company and pay an annual dividend of 10 per cent on the capital actually contributed by the stockholders. Any attempt within recent years to pay more than this regularly, or to water the stock, has always irritated the public and in a short time usually got the company into trouble.

About 1880, when the new processes began to press for admission, the population and wealth of Boston, with the consequent increased demand for gas, caused a genuine embarrassment of riches to the Boston company, and the other larger companies in Massachusetts. Companies so situated

had for years, with secrecy of affairs and traditional prices, been able, from their annual earnings, to pay a 10 per cent dividend, increase their surplus and meet all reasonable demands for extension of manufacturing plant and distributing system. Being restrained by specific statute as well as tradition from stock watering, and not wishing, for obvious reasons, to reduce the price of gas, they suffered from abundance of earnings.

The condition of the Boston company was typical of that of all the stronger companies in the state wherever the companies had not evaded the stock-watering statutes. The Boston company from 1877 to 1892—fifteen years—put into new investment out of its earnings an amount equal to 9 per cent of its share capital, annually, met all its legitimate expenses, and paid 10 per cent dividend. At the end of this period, the company, although probably greatly under-assessed, paid taxes on \$4,129,900, with a total capitalization of \$2,500,000. In like manner all the gas companies of the state, with a total capitalization (stock and bonds) of \$11,731,850, were valued for taxation at \$12,189,768.

What a bonanza this, for any one who could overcome or evade or violate with impunity, the laws against stock watering! If an irresponsible monopoly, without any discoverable motive for enterprise, could, by old processes, earn about 20 per cent per annum, what could not be accomplished by the introduction of the much more economical, and to the populace little known, water-gas processes, especially if, at the same time, all the companies about Boston could be combined!

Such was the stake for which Mr. J. Edward Addicks began to play shortly after 1880. He met first the hard fact that Massachusetts was opposed to the consolidation of gas companies and that the statute (of 1880) defining the purity of gas, effectually barred the use of water-gas. This, with the virtual limitation of dividend to 10 per cent, and the actual prohibition of stock watering, might have deterred a less determined spirit.

The methods by which Mr. Addicks organized, under the general law, the Bay State Gas Company, of Massachusetts, in 1884, with the maximum legal capital of \$500,000, forced an ordinance through the council allowing him to parallel all the gas pipes in Boston in spite of all opposition; and then, despite statutory prohibitions and traditions against stock and debt watering, bonded the company for nine times its share capital, awoke the old companies, if not the populace.

That the statute against water gas did not frighten Mr. Addicks in the least, was shown by the fact that he proceeded to spend millions of dollars in constructing a water-gas plant, just as if the statute had never been passed. The old companies, which had not been so shaken up for thirty years, suddenly changed their attitude entirely on the legality and expediency of state interferences, and consequently on the private character of their business. Almost with one accord the companies of the state, under the leadership of the Boston company, combined in seeking the protection of the state against threatened competition. The companies, in the face of such danger, were willing to submit to control in return for a guarantee against competition. This move was started against the Bay State Company before that company effected an entrance into Boston. But Mr. Addicks had his forces well in hand, and got his ordinance, before the act creating the gas commission¹ went into force in June, 1885.

As the circumstances under which this commission was created were extraordinary, so the powers granted it were the most plenary ever given over any industry to any commission in this country.

Mr. Addicks, after many vain attempts to get legislative authority to consolidate all the companies in Boston and vicinity, organized a syndicate, bought nearly all the shares of the Boston, South Boston, and Roxbury companies, put

¹ The act is entitled "An act to create a board of gas commissioners." For the sake of brevity, I shall refer to the board as the gas commission.

these shares and those of the Bay State Company of Massachusetts in trust as security for the payment, principal and interest of twelve million of Boston United Gas Bonds issued by a New Jersey company, which afterward assigned to the Bay State Gas Company of Delaware—to which reference has already been made. When, therefore, Mr. Addicks had completed the large water-gas plant in Boston and got permission from the legislature to sell water gas, he found himself in control of these four large companies, whose stocks of about \$5,000,000 were in trust, and in control, also, of the purely financial or promoter's company, the Bay State Gas Company of Delaware. This Delaware company owned the \$4,500,000 obligation—an income bond entitled to nine-tenths of the earnings of the Bay State Company of Massachusetts—and the equity in the four Boston companies whose stocks were pledged for the payment of the \$12,000,000 of Boston United Gas Bonds. The companies were managed as a unit, the gas for them being largely manufactured in the new works of the Bay State Company of Massachusetts, and sold to the other companies for distribution.

The saving in administration was very great, while the effectiveness of the new water-gas process probably exceeded the expectations of its sanguine promoters.

The harvest, therefore, seemed complete. The income bond for \$4,500,000, which was largely water, received its 10 per cent per annum from the apparently tripled earnings of the Boston gas field. This remarkable result was achieved with a great improvement in the illuminating power of the gas, and with virtually no increase in price—although some slight discounts to a few large consumers were discontinued.

But this condition of affairs was not to last long. As in 1884 the field with its old processes, high prices, and great surpluses, had offered an irresistible temptation to the speculator and manipulator, so this prosperous condition appeared too valuable to be let alone by the public official with his eye ever on the popular vote.

On the plausible ground of excessive charges and enormous profits from an illegitimate monopoly, the then Mayor of Boston attacked, in 1893, the Bay State Gas Trust before the legislature and the gas commission, simultaneously, charging besides excessive prices, violation, or evasion of the law, in virtually consolidating the companies, and especially in issuing the four and a half million income bond for little or no consideration.

To compel favorable action on his petition by the legislature and the commission, the mayor, by a shrewd interpretation of the complex statutory powers of the municipality—an interpretation which technicalities have prevented the courts from passing upon—permitted a suburban company, the Brookline, then under control of the Standard Oil interests, to parallel all the gas pipes in Boston at its discretion. The Brookline Company agreed to furnish gas for both public and private use at prices much below those charged by the Bay State companies, and presumably much below actual cost to the Brookline Company itself.

This was a telling stroke, one that could not be successfully resisted by any department of government. The result of this attack was that the commission ordered a large reduction in the price of gas furnished by the Addicks' companies, while the legislature, under threat of forfeiture, squeezed \$3,000,000 out of the capitalization of the Bay State Company of Massachusetts—causing the cancellation of the \$4,500,000 obligation, or bond. Could the reduction of price and of capitalization have been effected without admitting the Brookline Company to Boston, the results might have been wholesome. As soon after the admission of the Brookline Company to Boston (February 27, 1893) as pipes could be laid, the first actual competition between gas companies in Boston began. This competition went on till May, 1896, when the Brookline Company had nearly two hundred miles of pipes in the best portions of Boston. The contest more than destroyed all dividends of the Brookline Company and

required the holders of the equity in the Bay State companies to raise large sums from outside sources to maintain the trust.

The agitation and investigations of 1893 convinced every one that the possibility of issuing the \$4,500,000 obligation had opened the way to manipulate the Boston Company. Therefore, the legislature was not satisfied with merely destroying that obligation, but wished, also, to make such issues impossible in the future. Until the entrance of Mr. Addicks to the Boston field, it was supposed that the statutes against stock watering effectively prevented such issues. By two acts of 1894, known as the anti-stock-watering acts, it is made illegal for any gas company to issue any stocks or bonds for any purpose except on conditions and for purposes approved by the commission, after a public hearing. While there are some grave dangers in these acts, they are, probably, taken all in all, the two most effective acts ever passed in this country to check corporate abuses. They, perhaps, place a greater burden on the commission, both as to work and discretion, than our government organs have usually proved themselves able to bear.

The commission has from its origin had complete powers of inspection over all the companies in the state—powers that can be delegated to experts. It also compels companies to keep their books and make their reports on a uniform system prescribed by the board. It has also had complete power over the price and quality of gas, save that initiative in regard to price and quality rests exclusively with consumers or the local public authorities.

As the desire to introduce a new process was the prime motive of Mr. Addicks in going to Boston in 1884, so in 1896, the possessors of patents for the so-called coke-oven process entered upon a remarkable struggle for admission to the Boston gas field. The appeal was made direct to the legislature for privileges by special act and for permission to consolidate all the existing companies and to contract with them at will for the sale of gas to them.

If the campaign of Mr. Addicks, from 1884 to 1893, changed the whole character of the Massachusetts Legislature, the appeal of Mr. H. M. Whitney and his friends for an opening for coke-oven gas in 1896 revolutionized legislative methods. This struggle took place during the most bitter competitive strife of the existing companies.

In spite of the advice of the gas commission (which had long before come to consider itself the expert arm of the legislature) and in spite of the united opposition of all the old companies, the charter of the Massachusetts Pipe Line Company was granted to the promoters of coke-oven gas in June, 1896.

Although it was impossible to prevent the granting of this charter, the opponents of the measure succeeded in amending the bill in such a manner as to make it seem inexpedient for the incorporators to undertake directly either consolidation or stock watering under it. Presumably Mr. Whitney believed that the new processes would work a genuine progress in the manufacture and sale of gas, but the facts show that his faith did not extend to the point of making him willing to undertake the experiment with his own capital. For, whatever the outcome may be, the venture was and is a hazardous experiment. Furthermore, with the limitation of dividend on actual investment to 10 per cent the possible gains were not a fair compensation for the risk involved. The Massachusetts Pipe Line Company was, much against the will of its promoters, placed under the jurisdiction of the gas commission, and especially under the anti-stock-watering acts of 1894.

It seemed for the moment as if the laws of Massachusetts against consolidation of corporations, leasing or selling of franchises and stock-watering had put a stop to industrial experiment with other people's money, and as if the world would have to wait longer for coke-oven gas. The owners of the new charter did not organize the company for more than a year. Meantime, they combined their forces with the Standard Oil holdings in the Brookline Company.

In May, 1896, the competition between the active companies ceased, by an agreement of the Addicks interest to buy out the opposition. But upon the failure of Mr. Addicks to raise the purchase money he was obliged to permit the management of all the Bay State companies to pass to his great rival in November, 1896. Those in control of the Brookline Company had already bought substantially all the shares of the Dorchester and Jamaica Plain companies.

These united forces then worked out what seems to me the most unique scheme to evade the corporation laws of a state, which can be found in all industrial history. They organized the New England Gas and Coke Company, a voluntary association. The articles of association embody all the essential provisions of limited liability found in the corporation laws. The association thus has the advantages of a corporation and escapes the dangers of partnership liability, the exclusive management of the property being in the hands of trustees. The ownership is represented by shares of the nominal value of \$100 each. These shares were authorized at once to the nominal amount of \$17,500,000 and a loan of \$17,500,000 was also authorized. Of course, there can be no limit to the capitalization of such a voluntary association in the shape of either bonds or shares, except the refusal of the public to advance money on them. Furthermore, the financial and industrial management of the enterprise are both placed substantially outside of the supervision or control of the public authority until legislation is radically changed. For tradition and legislation have been directed against corporations on the ground that they are artificial bodies, with special privileges, created for the public good, and therefore subject to regulation in the public interest.

But let us return to the financial operations of the Coke¹ Company. With the proceeds of the \$17,500,000 loan,²

¹ I shall for the sake of brevity refer to this voluntary organization, The New England Gas and Coke Company, simply as the "Coke Company."

² \$3,500,000 par value of this loan was reserved to raise working capital, and \$14,000,000 par value used for the purposes indicated here.

substantially all the stock (\$2,000,000) of the Brookline Company, the Dorchester Company (\$519,000), Jamaica Plain Company (\$250,000), and the Massachusetts Pipe Line Company (\$1,000,000), \$1,615,000 of the debt of the Brookline Company and \$1,000,000 (par value) of Boston United Gas bonds were purchased.

In addition to this, from the same source, the owners bought the land for and built the mammoth coke and gas plant at Everett. All these stocks (\$3,505,800 par value and bonds (\$2,615,000 par value), and all the manufacturing plant and other property of the association, were placed in trust to secure the loan of \$17,500,000 from which the purchase money for all the property put in trust was raised.

The Coke Company not being a corporation, and being virtually exempt from supervision, nobody but the trustees of the association know how much investment the plant represents. Interested parties wish the public to believe that the combined plants of the Pipe Line and Coke companies cost \$5,000,000. The Pipe Line Company is merely a go-between, being neither a manufacturer of gas nor a seller of gas to consumers. It merely furnishes a means of legal connection between the manufacturing plant of the Coke Company, which has no franchise or license, and the holders of the gas companies. On the one hand, the Coke Company makes contracts for the sale of gas to the Pipe Line Company, which is all owned by it; on the other hand, the Pipe Line Company sells gas to the old gas companies controlled by the same parties that control both the Coke Company and the Pipe Line Company. These old companies which are corporations subject to supervision become simply distributors.

The Coke Company is actually delivering gas under these peculiar circumstances—the same persons representing both sides in each of these contracts.

This statement shows how difficult control is, and that the theory of control breaks down at a point to which

attention has been little called. In fact, when commission control of corporations of any kind, and more especially of gas companies, was first seriously considered, there was apparently a well-grounded fear that the system might fail, first, from a deliberate and conscious misuse of the appointing power either by unfit appointment in the beginning or by frequent removals for partisan causes; second, that the commissioners, although honestly selected, would be corruptly influenced by the corporations under their control. Such an outcome in many of the states seems to me still possible. But so far as Massachusetts is concerned, these fears have proved perfectly groundless. Fairly good men have always been appointed on the gas commission; no member has ever been removed for any cause whatever; with but a single exception,¹ in fifteen years, no man who wished reappointment has failed to receive it. So that the members have actually remained on the board long enough to acquire a considerable degree of expert skill and experience such as ought to be of great value to the state. No serious charge of acting from any improper motive has ever been made public against the board as a whole or any one member of it.

At first blush, therefore, it would seem that commission control has been tried in Massachusetts under very favorable conditions. On the other hand, the most ardent advocate of this form of control could not, for a moment, maintain that the relation of the gas supply to the public in Massachusetts is at present reasonably satisfactory.

If, then, the system has not exhibited any of the evil results anticipated at the beginning, and, if the sum total of results has been disappointing, what is the explanation of this peculiar condition of affairs?

This question brings us to the real gist of the whole matter, and makes it necessary to call attention to certain funda-

¹ The members are appointed for three years by the governor with the consent of the council, the governor designating the chairman.

tal dangers in our political and industrial life—dangers which are often referred to, but rarely followed to their results in the practical affairs of government.

It has become a stock saying that our municipal government is a failure. It has certainly proved to be so in the large cities, as far as the gas supply is concerned. A prominent remedy for this failure is sought in establishing a more permanent administrative force in our cities. In other words, the movement towards civil service reform and the concentration of power in the hands of the mayor is now the sovereign cure in the popular mind for existing evils. This popular tendency is probably worthy of encouragement. But so long as the office of mayor is not a professional one which satisfies the life ambition of the incumbent, and so long as partisanship on national party lines dominates municipal elections, we ought not to forget that the mayor has the same motives and temptations for playing politics, and appealing to the ignorance of the voter, that the members of the council had before the movement for this concentration of power set in.

The history of the gas supply of Boston in the last eight years will illustrate this point. In the last fifteen years, in addition to concentrating municipal power in the hands of the mayor, Massachusetts has attempted also to curtail municipal power by virtually taking the control of the gas supply and various other industries out of the hands of the municipality and putting it under the direct supervision of the state. Furthermore, in strict conformity to the predominant scientific theory of the day, Massachusetts, by the creation of the gas commission in 1885, also tried to take the gas companies out of the range of legislative interference and control, and to put them under a strictly administrative control. This was supposed to mark a great step forward at the time; and in my opinion it was a move in the right direction. However, the promoters of it did not take account of certain great difficulties in putting this

theory into practical operation. The advocates of state as distinct from city control, and of administrative as distinct from legislative control, did not fully realize that the same forces stampeded the Boston city council under the old city charter in 1885, and admitted the Bay State Company to Boston, carried the mayor off his feet under the new charter in 1893, brought in the competition of the Brookline Company, and granted the pipe line charter in 1896. So long as our political and economic conditions remain at all what they are now, these same forces will attempt first to stampede the commission. So far they have failed to break through the line at this point. But they have not given up the campaign on that account. It is theoretically possible for these forces to stampede the legislature and force it to abolish the commission, or to destroy its usefulness by changing its constitution, and by interfering with its discretionary powers to compel it to do or refrain from doing some specific thing. This outcome has been seriously feared at times in the history of the gas commission. But, fortunately, the fears have not been realized. But with the avoidance of this difficulty the whole battle is not won. There still remains at least one great chance for these forces to win. Namely, to ignore the existence of the commission so far as to appeal directly to the legislature for special rights and favors in the gas field, which rights and favors, consistently with the whole theory of commission control, ought to be granted only on the recommendation of the commission and enjoyed under the supervision of that body. It must not for a moment be forgotten that the legislature determines the constitution, powers, and duties of the commission and holds over it at all times the power of life and death. Therefore, the work of the commission cannot at any time exceed in skill and effectiveness the standard appreciable by a majority in the legislature. Furthermore, whatever may be the individual judgment or knowledge of the members of the legislature—if one can apply such terms

as individual judgment and knowledge to men in such position—all disinterested students recognize that legislative action will never, in our circumstances, rise in honesty, stability, or excellence much above the grade of intelligence, skill, and honesty set by the average voter. This brings us to the end of our reasoning. We have reached an ultimate limit. No stream can rise higher than its source. By no sort of machinery can a government resting on a basis of popular suffrage be better than is demanded by the majority of the voters. Nothing could better illustrate this great, this fundamental principle than the history of the relation of the gas supply of Boston to the public. If the gas commission has any worthy function or logical reason for existing, it is that it may act as a non-partisan expert body and more especially that the solid and constantly growing body of expert knowledge acquired by it shall furnish the *only* basis for future legislation. For any commission at the beginning is but an experiment, and in the early years can do no more than point the way. But if our reasoning in this case has been correct, we cannot expect the member of the legislature to want the advice of the commission, or to act upon it, until the constituents of the members are sufficiently educated to appreciate and demand such action. It certainly is clearly true to-day that members of the legislature act neither on their personal convictions nor on advice which, if they were not members of the legislature, they would consider expert, but rather on the basis of what is supposed to represent momentarily the somewhat evanescent and constantly shifting sentiments and desires of a majority of the voters. Unfortunately, this popular sentiment is not only by nature unstable and intangible under modern conditions, but it is far within the power of designing private interests to effect sudden changes in it at will. So long as this remains true, and so long as the framework of our government and our political practices remain substantially what they now are, so long will the managers of great corporations and industrial

enterprises continue to stampede the voters and lawmakers for private advantage.

Had it been impossible thus to manipulate public opinion in the eighties, the new processes, which were truly needed, could have been easily introduced by such administrative machinery as we have to-day. In like manner, the advantages sought by the introduction of the Brookline Company in 1893, and by the creation of the Pipe Line Company in 1896, could have been obtained. This company was chartered and the competition entered upon, against the judgment of the commission.

These are the three disturbing and injurious events in the history of the gas supply of Boston. They are not only results of the same cause, but are also a sufficient explanation of the creation of this voluntary association—the Coke Company. They explain, too, why the gas commission has not proposed any remedy for the evils threatened by the Coke Company. The commission knows all too well that it dare not take any position without giving a reason for it to the public, and that it is useless to give or allege any reason which will not instantly meet with popular support, and that, too, when every private and corporate interest which does not want the public to support that view is making every effort, legitimate and illegitimate, to prevent the public from accepting the view of the commission.

Could the commission be assured for five years of unbroken legislative, that is to say, popular support, it could, either under present laws or under amendments within the power and duty of the commission to suggest, control not only the corporations but also the Coke Company. That is, commission control is weak, because the commission is a sort of tenant at will of the legislature, and the legislature has no stable will or policy.

Let us consider the relation of the commission to the Boston situation to-day. Apart from the unlimited inquisitorial powers of the commission, it has three important functions.

First, it has complete power over the capitalization; second, it lets in or keeps out competing companies upon appeal; and third, upon proper petition it fixes the price of gas.

The policy of the state in favor of regulated monopoly has been so specifically declared by statute and rulings of the commission that it seems improbable that any competing company will in future be introduced by the commission. Until further legislation, the voluntary association in the form of the Coke Company has removed itself practically from the jurisdiction of the commission. The indirect power over the price charged consumers is apparently the only one remaining.

But the same power that removes the capitalization of the Coke Company from the jurisdiction of the commission, in practice destroys the power of the commission over the price of gas. The commission has not yet been able to get at the amount of the investment or the manufacturing accounts of the Coke Company. Until the commission knows what it costs to manufacture gas, how can it determine whether the prices charged by the Coke Company to the Pipe Line Company are reasonable? Could it do so, the only method of reaching the evil would probably be by lowering the selling price to the consumer. Had the commission access to the accounts of the Coke Company, however, it could have but a meagre basis for a sound judgment of the cost of manufacturing gas. For it should be recalled that gas in this case is really a joint, or rather, as already explained, a minor or by-product of the manufacture of coke. Therefore, its separate cost of manufacture cannot be determined by any one. What it costs to make gas depends on what it costs to make coke, and a fair price for gas depends on what the coke brings.

In short, the assumption of the form of a voluntary association instead of a corporation has carried the gas industry in Massachusetts, or at least in Boston and vicinity, practically back to where it stood throughout the whole country

thirty years ago. That is, we have unlimited and unknown capitalization, which in and of itself makes the determination of a fair price impossible. Then we have an experiment going on under the management of a group of men who, having none of their own capital invested, suffer nothing in case of failure, while being owners of the equity in the concern they get all the gains in case of success. But it may be asked, has not the commission power over the price of gas sold to consumers (if not over the price of inter-company sales), and can it not reach the difficulty by simply fixing a price which is fair to the consumers without regard to the manufacturers of, or dealers in, gas? This would seem possible at first sight, but under present conditions it is impossible. In the first place, the price fixed must be a reasonable one or the courts will not uphold it. But it goes without saying that the commissioners cannot strike in the dark, and they cannot get at the data necessary for a sane and certain judgment any more than the council or legislature could do so a generation ago. But if the commission could get at the investment and manufacturing accounts of the Coke Company and should find that the new process cannot be operated at a profit at prevailing prices, what could it do? For the commission from its origin has held that no experiment ought to be tried until its success is probable enough to induce the promoters to risk their own capital in the enterprise. On this principle the commission opposed the investment of the Coke Company on its present basis. Should, therefore, the Coke Company by amendment of the law be placed as fully under the jurisdiction of the commission as the gas corporations are, what would be the duty of the commission in view of the past history of the company in case the experiment bade fair to fail?

But even a greater practical difficulty is, that the evil has already been done, and the \$12,000,000 of Boston United Gas bonds, the unlimited and unknowable amount of the stock of the Bay State Company of Delaware, and other

extra-Massachusetts securities, as well as the \$35,000,000 stock and bonds of the Coke Company have, in large part, long since passed to unknown, and presumably innocent, hands. Is any American state government strong enough to-day to freeze out the holders of any considerable portion of this vast amount of securities—securities which, until the courts rule otherwise, must be assumed to have been legally issued? In my opinion, any such reduction of capitalization to become possible, must have back of it a judicial determination that these securities were not legally issued. Such a decision in this case seems at least improbable. I venture the prediction that, however great the violation of public policy or the moral law in issuing these securities, so long as those who issued them or those who hold them can put forth a truthful claim that the securities were legally issued, no administrative commission can, by its ruling, destroy them without having that ruling tested in the courts and probably annulled. At any rate, the attempt so to destroy the value of such securities would probably destroy the commission. Nor, in my opinion, will the legislature knowingly undertake to destroy these securities under its rights to repeal charters. The support of this excessive capitalization appears, therefore, to be saddled upon the consumers of gas, except in so far as the managers of the companies may by their strife among themselves bankrupt one or another of the companies, or procure a judicial decision that will bring about the same result. For reasons already given, the commission must, to maintain itself in popular favor, be perfectly sure of every step it takes, and be able instantly to justify that step to the public. But if it had perfect access to all the books and records of all the companies so long as the inter-company contracts exists and are entered into and changed at will by men who in each case are making contracts with themselves, one cannot presume that the commission will ever get permission to make expenditure enough to enable it to keep up with the hide-and-seek

game played by those in control of the industry, or to audit the accounts of the different corporations all kept by the same men, often enough or with sufficient care to have any confidence in a judgment based on them or to presume to justify that judgment to the public. It is utterly impossible for any public authority in Massachusetts to say what a fair price for gas in Boston is.

It should also be remarked that, apart from the secrecy, the excessive capitalization, the inter-company contracts, which the same set of men make with themselves, more than 98 per cent of the stocks in all the Massachusetts corporations involved are in possession of one or the other of two New York trust companies as security for a portion of this foreign and excessive domestic capitalization. If one should so far stretch language as to speak of a fair price for gas under these circumstances, one should realize that any fixing or public interference with price might easily wreck the whole legal complexus on which the business now rests. For reasons already given, the commission cannot be sufficiently sure of its facts to justify it in entering upon a course likely to bring about such a collapse. When one cannot even tell who is an innocent holder, one may well be a little slow in trying to strike a deliberate blow at any holder. In short, the object of those who brought about the present complexity was to produce a condition in which a price that is fair for one interest involved should necessarily be unfair to some other interest. Nothing short of legal consolidation can possibly simplify this situation. But the difficulties of determining a fair price turn out to be, viewed from another standpoint, exactly the same difficulties as those presented in distributing equitably the stock in a consolidation among the different parties in interest.

Enough has now been said to show the weakness of the present condition of control of gas companies in the only state which has made any serious attempt to exercise a public control over them. The question naturally arises,

does this account demonstrate the impossibility of control and drive us inevitably, however reluctantly, to the advocacy of public ownership and operation? In my opinion neither of these conclusions is completely justified, while I see no evidence whatever in the facts surveyed to indicate that public ownership is more likely to succeed than public control. In fact, the lesson of the whole story to me is, that the evils are more deep-seated than the form of ownership resting on the ignorance of the mass of voters in regard to both government and industry. That ignorance rests upon an utter lack of appreciation of the complexity of modern industrial conditions and a complete absence of any popular apprehension of expert knowledge, or its value to its owner or the public. One manifestation of this ignorance gives us the 10 per cent dividend limitation in Massachusetts. I have not time to elaborate the effects of this superstition, but wish simply to remark that, as long as that tradition holds, one of two things will result. The laws enacted to enforce this view will either be violated or evaded, as is now done, or all progress in industry must cease. While an annual dividend of 10 per cent is an ample reward in a reasonably safe investment which has passed the experimental stage, a chance of that amount as a maximum is in no sense a sufficient inducement to lead men to risk their own money in an enterprise involving a large amount of fixed capital so long as there is great danger of a total loss of principal as well as dividend by a failure of the experiment. The consumer ought, in the long run, to pay the expense of legitimate industrial experiment. He does not do this when he enforces successfully the 10 per cent dividend limit.

The very thing, therefore, which has caused commission control to yield such meagre fruits in Massachusetts would be sure to make public ownership give still less desirable results. But has commission control been so complete a failure as to cause us to despair of the whole problem? This is too large a question to enter upon here. Suffice it to say

that to despair here is to despair of all self-government as we understand that phrase. I venture the prediction, however, that if the problem is capable of solution, it must be settled along the lines of the work of the Massachusetts Gas Commission. For if my diagnosis of the evils to be eradicated and of the difficulties encountered by the commission is correct, it follows that the difficulty comes ultimately from the dependence of the commission upon the ignorance of the voter. It follows necessarily that the only possible remedy is the political, administrative, and industrial education of the voter and through him of the legislator.

Any one who has followed the history of this commission is drawn irresistibly to the conclusion that, however far short that body may have come of the desired results, it has followed the only logical, or, in fact, rationally possible, method for the attainment of those results. In my opinion, the hope of the future lies in patiently improving and perfecting the educational work of administrative control, with its uniform bookkeeping, accounting, and public inspection. If this fail ultimately, we shall of course try something else; but I for one shall come to believe with Cyrano de Bergerac that "one does not fight because there is hope of winning," and, that, "it is much finer to fight when it is no use."

**REGULATION OF COST AND QUAL-
ITY OF SERVICE AS ILLUSTRATED
BY STREET RAILWAY COMPANIES**

BY DR. FREDERIC W. SPEIRS

PHILADELPHIA

REGULATION OF COST AND QUALITY OF SERVICE AS ILLUSTRATED BY STREET RAILWAY COMPANIES.

Dr. FREDERIC W. SPEIRS, Philadelphia.

The conditions under which we approach the street railway problem at the present moment are peculiarly favorable for effective discussion. Until recently the indifference and corruption of public officials and the deliberate policy of falsification adopted by many street railway managers have conspired successfully to conceal the most fundamental facts regarding capitalization, cost of operation and profits. But patient and persistent effort has now wrested from imperfect public records and has wrung from reluctant officials enough facts to furnish an adequate basis for sound induction. We now have detailed studies of the street railway systems of several of our great cities, and a growing collection of valuable official investigations crowned by the comprehensive report of the Massachusetts special committee on street railways, published in 1898. We have therefore passed the period of sweeping generalizations from imperfect data and of misleading comparisons between American and European conditions founded on imperfect knowledge of both.

These investigations of the relations of the public to street railway corporations in most cases reveal a tragedy of errors. We are now paying the penalty of ignorance and recklessness in the bestowal of franchises. The penalty takes the form of excessive profits in our larger cities, of systematic corruption of our legislative bodies for the purpose of protecting these illegitimate profits, and of general overcapitalization which demoralizes the stock market and justifies the statement that current investments in railway

securities must be classed as extra hazardous. While in some cases the consequences of our unwise policy are limited to this generation, in others injustice to the public can be remedied only through infliction of heavy loss upon those who have made investments in good faith.

There is much confusion in the public mind regarding the financial results of street railway operations in the United States. It is the general belief that such enterprises, with present rates of fare and with light franchise burdens, are extraordinarily profitable. This is a correct impression with reference to the large city systems. It is incorrect so far as it relates to the railways in small communities and in suburban districts. The most reliable figures of street railway profits are those of Massachusetts. The report for 1899 shows that during the previous year forty-nine Massachusetts companies paid dividends ranging from $2\frac{1}{4}$ per cent to 8 per cent, while fifty-four companies paid no dividend. The forty-nine companies that showed profit were capitalized at \$33,649,950, while the fifty-four that made no profit represented only \$5,283,966. The average rate of dividend for all the companies was 5.8 per cent. And it should be remembered that the capitalization on which these dividends are declared is not excessive, so the rate indicates real return on investment. These results illustrate the general statement that street railway investments as a whole do not yield abnormal profit.

If we turn from these figures to those of New York, Philadelphia, Chicago and other large cities we find the justification of the general impression regarding street railway profit. The explanation of the moderate return of the small systems and the exorbitant profits in certain large cities is the general application of a customary rate of fare, five cents. This rate applied in many cases from the very early days is practically universal, regardless of the real cost of service. The rigid adherence to custom in this particular embarrasses the small systems where operating expenses are relatively large,

and enriches the large city companies that have the benefit of concentrated traffic with a considerable proportion of short distance riders. It is only in the great cities, then, that we may reasonably expect material reduction of fare or large increase of contributions to the public treasury. But in these communities there is wide margin for readjustment on one or both of these lines.

The possibilities of controlling rates and character of service in such a way as to realize the fullest benefit for the public are conditioned largely upon the form of franchise. We have to deal with three general forms in the United States—the unlimited, the indeterminate and the term.

The unlimited franchise was quite generally granted in the earlier years of street railway development and is still permitted in half of our states. The peculiar features of this form are admirably illustrated by the Philadelphia system, although strictly speaking Philadelphia franchises are not unlimited, for they are subject to the reserved right of municipal purchase. But this provision has been entirely ignored by public and railway managers during more than forty years of development, and the system has been built upon the assumption of perpetual right to occupy the streets on terms fixed more than a generation ago.

The glaring evil of this form of franchise is the difficulty of readjusting the compensation for monopoly privileges as the community grows and the conditions change. In addition to this manifest weakness, there is the peculiar temptation to overcapitalization in communities where present profits are large and future possibilities of profit are still greater. Overcapitalization is an evil not confined to companies holding perpetual franchise, but it is most serious under that form. The Philadelphia system exhibits the worst possibilities of the unlimited grant in this direction. The profits of many of the lines have been excessive from the very beginning. As early as 1864 one line was earning 45 per cent dividend on actual investment,

another 28 per cent, two more about 20 per cent, and the entire system was averaging nearly 10 per cent on paid-in capital. In the early eighties these large profits attracted the attention of a coterie of bold financiers who have since become famous in the street railway world as the "Philadelphia syndicate." They quietly bought large blocks of stock and then formed an operating company in 1883 to lease the original lines at very high rentals. Ten years later all the original companies except one had been leased by three traction companies, and in 1895 these three operating companies were absorbed by the present Union Traction Company. The monopoly is now perfect.

The abnormal profit is indicated by the lease charges paid by the Union Traction Company. One important line receives a guaranteed annual dividend of 72 per cent on paid-in capital, another 71.6 per cent, a third 42.8 per cent and eight other lines a dividend ranging from 40 to 20 per cent on actual investment.

During the various consolidation processes the capitalization has been inflated in the familiar way until the total capitalization of the system is now above \$108,000,000, which is more than three times its cost of construction and equipment as reported by the companies. The investigation made three years ago showed that the market value of the stocks of the company then exceeded \$120,000,000 while the company's figures of the total cost of the system were only \$36,000,000. Thus accepting the exaggerated cost figures of the company, Philadelphians are expected to pay for their street car service the market rate of interest on more than three and one-half times the capital actually invested.

Excessive inflation on the plan indicated by the Philadelphia system is invariable in large cities wherever the unlimited franchise prevails. Comparative figures of capitalization per mile of track indicate the extent of this evil in the two greatest cities which have unlimited franchises.

As a standard of fair capitalization of a system in a large city we may take the figures of the West End Company of Boston. This company reports a capitalization of \$103,655 per mile, and the Massachusetts railroad commission declares, after special investigation, that 92 per cent of that amount represents actual value of plant. It is possible that this figure is excessive, but assuming it as a conservative estimate, we have about \$95,360 as a reasonable capitalization per mile for a thoroughly equipped road with heavy city traffic. In comparison with this, Mr. Edward E. Higgins, editor of the *Street Railway Journal*, estimates the average capitalization per mile of the surface railways of the boroughs of Manhattan and the Bronx at \$348,387; of greater New York at \$201,381; and of Philadelphia at \$265,510.

Such overcapitalization as is here indicated as a special characteristic of the unlimited franchise makes the readjustment of fares and franchise charges on an equitable basis difficult for the public and most painful for the investors. Many of the present holders of securities have reaped no benefit from the inflation process. Those who received the exorbitant returns through inflation of stock values have either sold their securities or are prepared to do so at the first symptom of forced contraction. The extent of the loss to recent investors in many of our great cities, if the public ever demands service at cost, is indicated by the facts for Philadelphia. With gross earnings of \$11,793,858 the Union Traction Company last year paid \$5,634,726 as guaranteed dividends on the stock of constituent companies and interest charges on bonds. Five per cent interest on the real investment which these stocks and bonds represent, at the most liberal estimate, would be less than \$1,800,000, so a contraction of these inflated values would mean a reduction of more than \$3,800,000 in annual interest payment to the stockholders of Philadelphia railways. But until that great sacrifice is exacted either by reducing fares or by increasing taxation, the public will not secure transportation

on the terms which an efficient system of public ownership and operation would give. This is the most serious phase of the street railway problem under the unlimited franchise.

The second form of franchise with which we have to deal is that represented by the peculiar Massachusetts system of indeterminate franchise which may be revoked at the pleasure of the local authorities with the approval of the state railroad commission. This plan gives the public power to readjust franchise compensation at any time in the simplest fashion. The careful supervision of the Massachusetts railroad commission has prevented gross overcapitalization in that state, and the railways are therefore in a position to grant without disturbance to their financial organization any reasonable demands which the public may make.

While this plan of indeterminate franchise seems ideal from the standpoint of the public, it appears extraordinary that the investor is willing to undertake street railway operations with no definite tenure of location. The Massachusetts special committee on the relation between cities and towns and street railway corporations, appointed in 1897, was instructed to consider the advisability of modifying this form of franchise, but it reports that investigation showed that neither the municipalities nor the companies desired to change the system. The report declares that "It was evident that, while the municipalities wanted to retain as a weapon—a sort of discussion bludgeon—the right of revocation at will, the companies preferred, on the whole, a franchise practically permanent, though never absolutely certain, to a fixed contract tenure for a shorter term, subject to the danger of alteration at every periodic renewal."

It seems unlikely, however, that other communities will seriously consider the plan which has apparently worked well under special conditions in the progressively conservative state of Massachusetts. The District of Columbia is the only other locality where this form prevails.

The third form of franchise is the term contract, which has

been used in a few of our states from the earliest days of street railway development, and has been most fully developed in Europe. In most cases in this country the franchise term is between twenty and thirty years, but Wyoming has fixed ten years as the maximum period. The tendency at present seems to be toward a twenty year term.

The short term franchise is now generally accepted as the best system of regulating the relations of municipalities and street railway corporations. Under this plan the operating company has certainty of tenure and the municipality has relatively frequent opportunity to readjust the conditions of franchise to meet changing needs of the city. The ownership of the tracks by the municipality, which is usual in Europe, simplifies the lease terms and will probably be adopted as a general policy here very soon as a concession to the growing sentiment in favor of municipal ownership and management.

The question of the price of franchise privileges presents grave difficulties in the adjustment of the details in each special locality, but the broad principles upon which the contract should be framed are well defined by experience. The practice in the United States has been most confused and irregular. It is usual for the local authorities to prescribe one or more of the following charges as compensation for the grant of location: a tax on gross earnings, a dividend tax, car licenses, street paving and lighting. In addition, the real and personal property of the railway companies are usually taxed at the regular rates. And finally the state frequently subjects the street railways in common with other corporations to a tax on capital, dividends or on gross receipts.

Under an ideal system the local charge for franchise, which is the special price of the monopoly privilege, is adjusted in such a way that it will absorb all the net profit from the operation of the railways above a fair return to the capital invested. In the cities where street railway

enterprises at the customary fare of five cents are exceedingly profitable, the public may choose between two methods of arranging conditions. They may dispose of the franchise to the corporation that offers the lowest fare, and thus realize little in the form of contributions to the city treasury. Or they may stipulate the customary fare of five cents and provide for large public income from the railways. This latter form manifestly levies a special tax on users of street cars which is collected by the corporations.

The payment for franchise privileges has been exacted in this country under various forms. In the early days it was usual to require the companies to pave and repair the streets which were occupied by their tracks. This form of franchise payment has assumed greatest importance in Philadelphia, where it is the largest element of the local income from street railway franchises. The duty of paving was imposed by the original franchise grants, but it was generally neglected until 1892, when trolley privileges were secured. Then as the specific price of these favors, the city was transformed in a few years from one of the worst to one of the best paved cities in the United States, at an expense to the companies variously estimated at from \$9,000,000 to \$14,000,000. But even in view of this achievement an examination of the unfortunate experience of Philadelphia before the trolley period confirms the experience of other cities that this form of franchise payment is burdensome and vexatious. The city should never entrust the care of its highways to a street railway corporation, which has no business interest in their proper maintenance.

A still more unwise, but very common franchise exaction, has been the tax on cars. When this was first imposed, its constitutionality was questioned, and a Pennsylvania judge affirmed its validity on the ground that it was a proper police measure to prevent the obstruction of the public highway by an excessive number of cars. It is still very effective from the point of view of the learned judge.

A third form of charge is the tax on dividends. This has been incorporated in a large number of contracts, but although it is most alluring in theory this tax has been found very difficult to collect. With the imperfect supervision to which railway corporations have been subjected, the manipulation of dividends has been too easy to make the dividend tax desirable.

The fourth form of franchise charge is the one approved by sound theory—the tax on gross receipts. The fairness of a tax on receipts is generally recognized. Moreover, gross receipts are more easily ascertained than any other financial fact, and the assessment is therefore simple. With our present lack of adequate supervision of street railway accounts, this tax is therefore peculiarly desirable.

Our experience, then, would seem to indicate that the ideal system of adjusting the relations of the municipality and street railway corporations, if we are to retain private management, is public ownership of tracks with private operation under a term contract for a period not exceeding twenty years. The contract should stipulate the lowest possible fare which promises a reasonable return on investment and should provide for a progressive tax on gross receipts.

The oft-cited contract which Toronto made in 1891 is a capital illustration of this form of franchise. The twenty years' lease under which the Toronto railways are operated by a corporation, provides first for an annual payment of \$800 per mile of track, which is specific rental for the track which is owned by the city. In addition, the company pays a percentage of gross receipts rising by degrees from 8 per cent on receipts of less than \$1,000,000 to 20 per cent on receipts of over \$3,000,000. Ordinary fares are six tickets for twenty-five cents. For early morning and late afternoon hours eight tickets for twenty-five cents are sold, and the fare of school children at specified hours is only two and one-half cents.

If the suggested system of special payment to the city for franchise privileges be adopted and the terms arranged so

that the railway corporation shall pay the full value of its monopoly right, the general taxation will be very simple. The railway corporation virtually stripped of special privilege will stand in precisely the same position as any other industrial enterprise. It should pay local taxes on real estate and on personal property, if other holders are thus assessed. If the state derives a revenue from corporation taxes, the street railway corporation should bear its share on precisely the same basis as any other industrial undertaking. The much discussed Ford bill of New York which adds the value of franchises to the value of real estate for purposes of taxation, is an admirable measure as applied to street railways under present conditions, since the railways have not paid an adequate price under local contract for their monopoly rights. But under a term contract framed on the lines of the Toronto or of European agreements the payment for franchise right is exacted more easily and more perfectly than it can possibly be obtained through the principle of the Ford bill or of the earlier Massachusetts tax law of similar purport.

The ominous discontent of the public with existing franchise terms and the rapid growth of the desire for public ownership and operation are moving managers of unduly profitable systems to consider concessions. The *Street Railway Journal*, the leading technical publication in that field, recently urged upon its constituency a proposition that coming from such a source would have been startling a few years ago. The editor proposed that the gross receipts of a street railway company be distributed as follows: First deduct from the receipts the operating expenses, state and local taxes on real estate and personal property, amortization fund, reserve fund, employes' benefit fund, and finally 4 per cent interest on capital. Then make an equal division of the remainder of the gross receipts between the municipality and invested capital. Such a plan applied to our large railway systems would yield a very considerable public revenue.

None of our great cities realize an adequate price for franchise privileges. Philadelphia is among the most fortunate. The city and state absorb about 12 per cent of the gross receipts of the Union Traction Company. The possibilities for greater public revenue have already been indicated by the facts with reference to excessive dividend rates. Baltimore is another favored city. The public treasury will receive this year about 10 per cent of gross receipts. The other great cities are far behind those cited. The Metropolitan system of New York, for instance, with its immense earning power, pays only $5\frac{1}{2}$ per cent of gross receipts to the city and state. The railways of Massachusetts pay about $4\frac{1}{2}$ per cent of gross earnings in the form of taxes.

No phase of American street railway history is so humiliating as the almost unbroken record of failure on the part of the public to exercise reasonable powers of control over the corporations. The difficulties have been of two kinds--legal and administrative. In many cases defective laws have conferred powers of control in such vague terms that any attempt to interfere with the management has led to protracted litigation. In other cases where the right of public control is clearly expressed, the corporations have found it cheaper to corrupt legislatures and administrative officials than to accept reasonable regulation of service under the law. The right of public control in the absence of specific contract provisions is ill defined at the present moment. The general police power has been invoked to regulate the number of cars, the hours of labor of employes, and in at least one case to reduce fare. We greatly need clear legal definition of the extent of the power of control beyond the special provisions of the charters and ordinances.

Manifestly a prime essential of effective public control is publicity of accounts. Until recently the corporations have generally refused statements of real financial conditions.

The few statements extorted from them by public officials have been so confused in form or so meagre in detail that they were quite valueless. In Pennsylvania, for instance, traction companies corrupted the state officials when the consolidation process began, and substituted for the complete sworn returns of the earlier days a balance sheet which meant nothing. The sworn report to the auditor general of Pennsylvania as a basis of taxation is still held by that officer as confidential. This policy of secrecy is happily near its end, for the toleration of the public has been strained to the breaking point. Moreover the managers of the corporations now realize that the prevalent belief that all street railway enterprises are enormously profitable is fostered to a dangerous degree by secrecy, and the instinct of self-preservation is inducing them to proffer information and to court investigation wherever their management can bear the light. The carefully drawn statements prescribed by the Massachusetts commission, returned under oath and subject to the check of access to the books by the commissioners, are models of the kind of official reports needed for intelligent control of the conditions of service.

A state commission seems to be the best device for control, in spite of certain obvious defects, and the Massachusetts commission is a good type. One of the chief functions of such a board is to control capitalization. The excellent system of Massachusetts shows the possibilities of effective work along this line. A railway company wishing to increase its stock or bond issue must prove to the satisfaction of the railroad commissioners that the increase of capitalization will find expression in a real addition to the value of the property of the company. Furthermore the commission is charged with the duty of forcing a reduction of capitalization as the value of the plant decreases. The success of Massachusetts in holding the capitalized value close to the real value of railway property suggests the adoption of a similar plan in all of our states.

The regulation of fare, the number of cars, the maximum length of the working day for employes, the provision of safety devices and the control of other similar conditions of service should be vested in the local councils, with a conservative provision for appeal to the state commission. With insistence upon publicity of accounts and with clear and reasonable provisions for control on the principles already established in Massachusetts, the larger part of our street railway difficulties will disappear. If these measures are not generally adopted with reasonable promptness, the reaction against corporate abuses will speedily carry us over to municipal ownership and operation. There are plain indications that the public are likely to fly to ills they know not of rather than bear those they have.

After this review of our street railway situation, in which much has necessarily been said of shortcomings and failures, we should not fail to note the gleam of consolation in our experience. As we examine the contracts of European cities with their street railway corporations, and note how thoroughly the financial interest of the municipality is safeguarded and how complete are the provisions for public control, we are likely to draw comparisons which are very unfavorable to the best of our American franchises. But when we contrast the imperfectly developed systems of the foreign cities with our own magnificent reaches of lines and our excellent equipment, we must revise our judgment and concede something to the credit side of our account. As a somewhat extreme instance of a general condition, contrast Glasgow, a city of 800,000 inhabitants with seventy-three miles of tramway, with Boston, a city of 500,000 inhabitants and two hundred and twenty miles of track. The more complete systems and the superior equipment of our American railways cannot be ascribed wholly to differences in franchise terms, but there can be no doubt that American liberality, even recklessness, toward street railway corporations has encouraged them to push out their lines and perfect

their equipment. The rapid extension of track encouraged by our prodigality of franchise, in connection with our system of uniform fare, regardless of distance, has undoubtedly helped to save our cities from the worst evils of excessive crowding, which is such a serious problem abroad. It is conceivable that viewed in the perspective of a half century it will appear to our successors that the heavy price we have paid in past profits, in present overcapitalization and in political corruption has not been too great for the benefits of a well-developed system of local transportation, with its relatively wide distribution of city population. It is at least clear that if we now revise our franchise conditions in the light of the knowledge gained by costly experience we shall presently enjoy the best street railway service in the world at reasonable rates.

II.

THE INFLUENCE OF CORPORATIONS ON POLITICAL LIFE ∴ ∴

ANNUAL ADDRESS.

BY HON. WILLIAM LINDSAY,
UNITED STATES SENATOR FROM KENTUCKY

THE INFLUENCE OF CORPORATIONS ON POLITICAL LIFE.

Annual Address by Hon. WILLIAM LINDSAY, United States Senator
from Kentucky.

There was a time within the memory of the living, when the serious consideration of the subject assigned me for discussion this evening, would probably have excited, with practical men, emotions of surprise. In the earlier—I was about to say, the better days of the republic—few, if any, supposed that it would ever be possible for corporate influences to affect political life, and no one contemplated that before the end of the nineteenth century an “artificial being, invisible, intangible, and existing only in the estimation of law,” with no properties, capacities or powers other than those conferred for special business purposes by the sovereign authority, would come to be regarded, and rightfully regarded, as a potent factor in political life. Yet to-day it is a fact, and a momentous fact, that combinations of capital, organized as corporations, and primarily devoted to business purposes, have acquired the control of production, wages and prices, to such an extent that many of our most intelligent and far-seeing citizens are demanding at the hands of state legislatures and of the federal congress, legislation looking to the restraint of such combinations to the strictly legitimate exercise of their delegated powers. These citizens complain, too, that corporations, not content with the extraordinary and dangerous control they exercise in affairs of business, have become customary participants in political contests, and insist that the results of elections, especially municipal elections, are often brought about by the active intervention of corporate managers, and the illegitimate use of moneys supplied from corporate funds.

These complaints may not be altogether just, but that corporations do participate in local and municipal elections and do contribute to the campaign funds of the great parties that periodically contest for the control of the state and federal governments, there are the best of reasons for believing. In municipal contests those contributions are not always intended for the promotion of party ends or purposes. In an investigation made by a committee of the United States Senate three or four years since, it was developed by one of the principal officers of a corporation then virtually controlling the production and fixing the price of an article of general consumption, that the contributions of his corporation depended, not on political principles or political convictions, but on corporate considerations. In Democratic cities the Democratic party received the benefit of the contributions devoted to *legitimate campaign purposes*, while in Republican cities the rule was reversed, and the managers of the Republican party were permitted to expend the corporate funds set apart for *the promotion of honest government*.

The general intervention of corporations in political affairs is of comparatively modern origin. In the five volumes of McMaster's "History of the American People," now in the hands of the reading public, in which the mingling of social and political history involved a discussion of American politics as thorough and exhaustive as it is entertaining and instructive, no reference is made to corporate influences on political life.

During the first administration of President Jackson the controversy between those who were friendly and those who were adverse to granting a new charter to the Bank of the United States began. It became a party question and was one of the leading issues in the campaign resulting in that President's re-election.

Among the causes assigned by him for the subsequent removal of the national deposits was the charge that the bank was faithless as a public agent "in the misapplication

of public funds, its interference in elections . . . and above all, its flagrant misconduct . . . in placing all the funds of the bank, including the moneys of the government, at the disposition of the president of the bank as a means of operating upon public opinion and procuring a new charter." In one of his later messages he denounced it as a permanent electioneering scheme.

We have nothing to do this evening with the merits of that controversy. It is important only in the fact that it indicates, with reasonable accuracy, the date at which corporate influences on political life began to attract public attention and to provoke official condemnation. That such influence has continued (in a greater or lesser degree) to make itself felt in current politics, is an undisputed fact with every one acquainted with the political history of the past three-quarters of a century.

It has assumed very grave importance in recent years. The facility with which charters may be obtained and valuable franchises secured has encouraged the formation of corporations for the transaction of every character of business, and we have reached the point at which the individual feels he can no longer compete with his incorporated rival, and where members of old-time partnerships are no longer willing to pledge their personal credit in competition with members of incorporated companies, whose liabilities being limited, do not hesitate to assume risks in business adventures from which prudent business men, unprotected by corporate exemptions, unhesitatingly shrink.

The inequality in the advantages enjoyed by corporations and individuals has aroused feelings of impatience and discontent, and those feelings have culminated in the demand for corporate regulations, which, in some instances, are as unreasonable as they are needlessly comprehensive. Those interested in corporate property and corporate business, of course, resist such demands, and out of the demands on one side, and resistance on the other, the great question of trusts,

and what is to be done with and about trusts, has developed into an issue of transcendent national importance. The difficulty of deciding as to the character of restraints that may be safely and prudently imposed, is rendered all the greater by the difficulty of determining the extent of congressional authority, and of locating the boundary line that separates the inherent jurisdiction of the states, from the delegated authority of the general government.

It is to be regretted that the consideration of this far-reaching question is approached with passion and prejudice by many of those who complain of existing conditions, and with cold-blooded and almost brutal indifference by many of those who enjoy the advantages and reap the benefits of corporate organization. How far combinations of capital diminish the cost of production and transportation; to what extent, and in what direction, they affect the wages or diminish or increase the demands for labor; whether their benefits to the farmer and planter are equal to the injuries they inflict, are economic questions that ought to be honestly, dispassionately and patiently investigated. They cannot be intelligently discussed, or fairly or justly solved, until their true relations shall be understood. Radical reforms, attempted to be introduced while ignorance and passion are in the ascendency, will breed other mischiefs and probably relieve none of the evils of the situation.

As we advance in civilization new and difficult social problems arise. As we improve material conveniences, and change the methods of production and transportation, new and difficult economic problems present themselves. Steam and electricity have converted the old into a new world. In what manner, and to what extent, the methods and customs, the business theories and practices, of the olden times are to be modified or changed to meet the exigencies of the present, we are not yet ready to determine, but faith in the sense of justice and fair play, and confidence in the judgment of the conservative majority, which in the end always

asserts itself, encourage the hope and inspire the belief that we shall not fail ultimately to reach wise conclusions, and to shape and keep the new conditions in harmony with the principles of patriotism, justice and common sense.

Since the adoption of the Federal Constitution each generation has had to meet and deal with issues which, in the opinion of the faint-hearted, threatened not only the perpetuity of the Federal Union, but the continuance of free institutions. The alien and sedition laws of the elder Adams led to the adoption of the Kentucky and Virginia resolutions of 1798-99, and opened the eyes of the American people to the fact that the opinion was then entertained by some of the greatest statesmen that the union of the states was in the nature of a compact, and that the violation of any of the terms of that compact by the general government absolved each state from its obligations, and that each state was the final judge of the supposed infraction and possessed the right to determine whether it should withdraw from or continue a member of a union which the framers of the constitution had fondly hoped was to prove perpetual.

It was claimed by those who opposed the acquisition of Louisiana that the erection of new states out of that territory, and their admission into the Union without the express consent of every state, would be in contravention of the federal compact, would reduce the relative importance and impair the dignity of the original states, and be equivalent in law and in morals to the dissolution of the Union.

The enactment of the protective tariff laws of 1828 was denounced as a gross violation of the Constitution and was followed by the nullifying statutes of South Carolina, which would have led to civil war but for the firmness of President Jackson, and the adoption by Congress of compromise statutes gradually relieving the hardships against which the agricultural states most bitterly complained.

The acquisition of the territories ceded by Mexico in 1848 led to questions touching the institution of slavery that for

a time seemed beyond the possibility of peaceful settlement. That discussion accustomed the minds of the people to the contemplation of the irrepressible conflict that culminated in the civil war, and was only settled at last by the destruction of an institution for the existence of which the people of all the states were alike responsible, but the evils of which fell with peculiar weight on those states where the profitable character of African slavery prevented its eradication during the earlier years of the republic.

The Union has not only survived all these disturbing issues, but rests on a firmer basis to-day than ever before. No one now asks what we shall do with the territorial issues of the past, but how we shall meet and dispose of the questions arising out of the duty we have assumed of deciding the destiny of the people who came to us with the territories acquired by the treaty restoring peace between the kingdom of Spain and the Government of the United States.

Are the people of the United States to be henceforth divided into citizens and subjects? Does the Constitution follow the flag, or are its beneficent provisions confined in their operation to the American States, between whom it constitutes the bond of union, until the representatives of those states shall extend its provisions to the stranger, brought under our jurisdiction by the fate of war or by treaty, leaving those representatives free to decide as American interests, American honor and American magnanimity may require?

These are the questions that are now being asked on every hand. The recent legislation concerning the Island of Porto Rico has given them exceptional prominence. The interest aroused by that legislation in every section of the country and with the people of every class, condition, vocation and pursuit, encourages the hope, as it gives reason for the belief, that the ultimate settlement of these absorbing issues will not be inconsistent with our theory of government or in conflict with the practical application of the great principle

that the just powers of government rest on the intelligent consent of the governed.

The danger to the perpetuity of free institutions, if such danger there be, does not grow out of expansion, and is not the more alarming because of the difficulties to be overcome in the administration of the affairs of our new possessions. If imperialism is to supersede the principles of free government, if empire is to take the place of the republic, the revolution, when it comes, will be traceable to internal and not to external causes.

It will not be provoked by our relations with the outside world, but will result from our failure to preserve at home, unsullied and uncontaminated, that highest and most sacred attribute of American citizenship, without which all talk of the consent of the governed is but a mockery.

When the civil war was raging with almost unabated fury, Mr. Lincoln, in his Gettysburg address, expressed the opinion, that the contest of arms was to decide, whether the government of the people, for the people and by the people, should perish from the earth. The triumph of the federal armies did not solve that problem; the reconstruction of the South did not solve it, and the extension of the suffrage to all the people of the United States without regard to race, color or previous condition of servitude, not only did not solve, but left it yet more difficult of solution. Manhood suffrage remains to-day an experiment, with the serious phase, that it is an experiment which can not be permitted to fail, if free institutions are to be preserved. Those who look on the manner in which the experiment is being worked out, with complacency and confidence, are unaware of the fact that we are over a slumbering volcano, from which some day an eruption may rain on our devoted heads the ashes of political destruction, as the ashes of death were rained from Vesuvius on the people of Pompeii and Herculaneum.

Under our system of government we gather the consent of the governed from the ballot box. There is, therefore, no

question of greater moment than whether the ballot box does in fact reflect the genuine and unpurchased consent of the governed, and does represent their real will touching the administration of public affairs, by those who from time to time appear to be chosen to places of responsibility, trust and power.

The people of the revolutionary times, whose representatives joined in the declaration that "governments are instituted among men, deriving their just powers from the consent of the governed," did not contemplate the literal application of that principle, and permitted it to enter into practical government under restraints, which at the present time would be regarded not only as intolerable, but as utterly inconsistent with the theory of man's capacity for self-government.

Each of the thirteen original states began by attaching property qualifications to the right of suffrage. Some of them were more liberal than others, but all denied to those who possessed nothing in the way of taxable estate, the right to participate in the affairs of government, at the polls or elsewhere. If manhood suffrage be an indispensable prerequisite to the republicanism, or to the democracy of modern times, our forefathers carried on the governments they instituted through an aristocracy of property, giving no concern to the intelligence or the education or the personal worth of the individual, who was the unfortunate possessor of no estate.

Vermont and Kentucky, the first two additions to the Union after the adoption of the Constitution, set literal examples of governments of the people by the people. More than sixty years elapsed, however, before the last of the original thirteen gave in its adhesion to manhood suffrage, and up to the beginning of the civil war many of the states of the Union denied to men of African descent the right to vote, however wealthy or worthy they may have been.

As late as the end of the first quarter of this century it

was contended by enlightened statesmen, that universal suffrage endangered property and put it in the power of the worthless and impecunious to control wealth and intelligence, and was not to be contemplated except with abhorrence and fear. They called attention to its career in Europe and insisted that it was folly to expect exemption in America from the conditions that at first inflamed, and then destroyed other nations; and they warned those in power that, if they closed their eyes to the evils invariably following manhood suffrage in the countries in which it had prevailed, the delusions of that day would be lamented by posterity in sack cloth and ashes. Those warnings did not prevail, and state after state removed the disqualification of poverty, until color became the only exception to the completeness of universal suffrage, and that exception was removed by the adoption of the Fifteenth Amendment. It will profit us nothing to discuss the efficacy of the reforms that have taken from property its power to control in matters of government. Political rights once conferred can seldom, if ever, be recalled, and are never voluntarily relinquished. It may be possible in a few states, under exceptional conditions, to re-establish property or educational qualifications, but it is far more likely in the future, that suffrage will be extended rather than circumscribed.

We are now face to face with the question, whether suffrage is or is not a failure, and we are to work out that problem in the light of past experience with fear and trembling. Discussing this absorbing question in his querulous, but philosophic way, Thomas Carlyle, fifty years ago, used this language:

"America, too, will have to strain its energies . . . to crack its sinews, and all but break its heart, as the rest of us have had to do, in thousandfold wrestle with the Pythons and mud-demons, before it can become a habitation for the gods. America's battle is yet to fight; and we, sorrowful, though nothing doubting, will wish her strength for it.

New Spiritual Pythons, plenty of them; enormous Megatherions, as ugly as were ever born of mud, loom huge and hideous out of the twilight future on America; and she will have her own agony, and her own victory, but on other terms than she is yet quite aware of."

Since those words were written some portion of America's agony has been suffered and some of her battles have been fought. But the great question of the efficacy of the ballot-box has not yet been settled, and the increase of population, and extension of the suffrage, have added difficulties to that most complex of all our social or political problems, and left the future to determine, whether manhood suffrage is to lead first to anarchy, and then to despotism, or, on the contrary, to demonstrate the falsity of the numberless predictions, that time will prove the incapacity of man for self-government.

This same Carlyle was one of the prophets of evil concerning the American theory of self-government. He had little faith in the ballot-box, and less in the possibility of the ballot being intelligently, patriotically, and honestly used. His belief was, that "it is the everlasting privilege of the foolish to be governed by the wise; to be guided in the right path by those who know it better than they. This (said he) is the first 'right of man'; compared with which all other rights are as nothing—mere superfluities, corollaries which will follow of their own accord out of this; if they be not contradictions to this, and less than nothing! To the wise it is not a privilege; far other use indeed. Doubtless, as bringing preservation to their country, it implies preservation to themselves withal; but intrinsically it is the hardest duty a wise man, if he be indeed wise, has laid to his hand. A duty which he would fain enough shirk; which accordingly, in these sad times of doubt and cowardly sloth, he has long everywhere been endeavoring to reduce to its minimum, and has in fact in most cases nearly escaped altogether."

If, as the philosopher says, it is the everlasting privilege of the foolish to be guided in the right path by those who know it better than they, and the everlasting duty of the wise to assist the foolish to walk in the right path, we have but to secure the honest exercise of the high privilege by the one, and the faithful discharge of the responsible duty by the other class, to render universal suffrage an element of hope and strength, rather than an element of danger or destruction.

Manhood suffrage must unquestionably fail, if the foolish shall persistently refuse to follow the counsels of the wise, and will become a curse instead of a blessing if the wise shall persist in shirking the performance of the responsible duty with which they are charged. It has never been supposed that the mass of mankind—that great body of the people, whose necessities forbid them the leisure to acquire more than a passing acquaintance with current events—can, unaided by men of superior opportunities, satisfactorily discharge their duties as electors, but it is hoped and believed that, by keeping in touch, all in whom the powers of government are reposed, the rich and the poor, the ignorant and the cultured, those lacking and those endowed with wisdom, the body of the electors may prove competent to perform the share assigned them in the administration of government, and to perform it with less of selfishness and with greater regard for the equal protection of the lives, liberty and property of all, than can be hoped for at the hands of an aristocracy of property, however patriotic, intelligent or cultured it may be.

Yes, if these elements could be kept in touch, if the foolish could be induced to respect the rights, to consider the opinions, and to respond to the better influences of those wise enough and patriotic enough to lead, manhood suffrage would not fail of success. But with obstinacy, selfishness and venality successfully combining to keep the different elements of society apart, universal suffrage must of necessity result in

ignominious and discreditable failure, and after such failure law and order must be enforced and the rights of property protected by force, or by fraud, or by the combination of both force and fraud, and free institutions thus rendered a thing of the dead past.

We all recognize as a fundamental principle the truth of the declaration so often made, that in a free government majorities, within certain prescribed limitations, must rule. But if apparent majorities can be, and shall be systematically secured by fraud or force or corruption, then majorities not only will not rule, but, on the contrary, will submit themselves to the customary rule of the minority.

It was said by the elder Adams in his inaugural address that "If an election is to be determined by a majority of a single vote, and that (vote) can be procured by a party through artifice or corruption, the government may be the choice of a party for its own ends (but) not of the nation's for the national good." If a party organization can and customarily does procure majorities through artifice or corruption, and thus continues itself in power, it converts the government into a government of party, it overthrows the government of the people, and, for the time being, establishes an imperialism in the room and stead of a free republic.

Ignorance, selfishness, indifference, venality, passion, prejudice, and party spirit, were all considered and discounted when universal suffrage was conceded; but the inducements to corruption, and the gigantic proportions of the funds it is now possible to raise for election purposes, were then so far underestimated, that in the light of recent events it may be said, they were not considered at all.

Through their contributions to those funds, corporations may, and in some instances do, influence political life to a degree that can not be measured, and that too in the most demoralizing, degrading and dangerous direction.

In this connection, it is but fair to say, that corporations

as a rule do not voluntarily or willingly contribute to campaign funds. Subject, as they are, to legislative and municipal regulation, they can not well resist the "stand and deliver" argument, that certain classes of party managers do not hesitate to use. Many of them find it cheaper to purchase their peace than to defend their rights. Others are compelled to ally themselves with one political party or the other, to secure protection against destructive legislation proposed by politicians, who seek places by urging an indiscriminate war against all kinds of corporate institutions, and by appealing to the passions and prejudices of unthinking electors, who either are not willing, or are not able to distinguish between pernicious combinations, and legitimate enterprise. In defending themselves against these unprovoked and injurious assaults, corporations not unnaturally claim the right to make use of all the customary means of resistance, and insist that they can not be censured for aligning themselves with political organizations equipped to contend with their assailants and ready to protect their allies.

The well grounded criticism of corporations for the abuse of their privileges in their unwarranted interference in public affairs; the prevailing prejudice against and hostility to combinations that have, or are supposed to have, monopolistic tendencies; the proneness of the thriftless and unfortunate to look on success as criminal and to regard wealth as the increment of fraud, extortion or crime, combine to supply a rich field for the labors of the place-hunting demagogue. As the professed friend of the people, he is always ready, in eloquent and soul-stirring language, to proclaim that he speaks for them and not for himself, and that he sacrifices business employments that would yield him a generous competence, in order that he may sound in their ears the note of warning against the soulless combinations created by law to eat up their substance and to fatten on the proceeds of their toil.

Of this class of politicians an eminent citizen of Philadelphia, long since dead, was moved to say: "Their knowledge of themselves inspires a low estimate of others. They distrust the judgment and intelligence of the community on whose passions alone they rely for advancement and their only study is to watch the shifting currents of popular prejudice and be ready at a moment's notice to follow it." They believe "that public life is a game in which success depends on dexterity, and that all government is a mere struggle for place. . . . Our sovereignty, our virtues, our talents are the daily theme of eulogy. They assure us that we are the best and wisest of the human race, and that their highest glory is to be the instrument of our pleasures, and that they will never act, nor think, nor speak but as we direct them."

Give to such a place-hunter a responsive audience, with the soulless corporation, the hungry cormorant, the bloated monopolist, for his theme, and he will "Pour the full tide of eloquence along," till conservatism, fair dealing and common sense hide their heads in shame and, like convicted criminals, seek safety in ignominious flight. To men like these, and to their methods, possibly as much as to any other cause, is to be traced the efforts of corporations to influence public opinion. Compelled to defend just and indisputable rights, not occasionally and at periodic intervals, but at all times and under all circumstances, in sheer desperation, legitimate enterprise identifies itself, and keeps itself identified, with the managers and directors of current politics.

Forced into indefensible alliances, they would gladly escape; compelled to subordinate their private interests to their unnatural participation in public affairs; put upon explanations that can not be satisfactorily made to the better sentiment of the country, corporations find themselves equally unable to command public approval, or to resist the overtures of the hungry politicians they can not afford to defy.

These evils the moral sentiment of the country would correct if that sentiment could make itself felt. Unfortunately, we are fast becoming, if we have not already become, a government of party rather than a government of the people. We no longer discuss the claim of public men in the light of their ability and character as statesmen. The question of preference now turns on capacity for party leadership, and not on ability to point the way to patriotic ends. Unhesitating devotion to the common weal no longer commands the support of those who control party policies and name our public officials.

Party organization is not necessarily or even naturally antagonistic to the public good. The success of a particular party is sometimes essential to the highest interests of the country, sometimes indispensable to the happiness and prosperity of the people, and to the preservation of the fundamental and underlying principles of government. In these cases obedience to party discipline is as patriotic as it is commendable, but when our institutions are free from present or anticipated danger, when the public peace is secure, when a political victory involves no higher or more important end than the distribution of the offices not embraced by the classified service, or the regulation of commerce among the states and with foreign countries, or the promotion of the general welfare through constitutional and customary means, party fealty may become and sometimes does become immoral in its tendencies and demoralizing in its consequences.

When in the heat of a national or state campaign we read of campaign funds running up into the millions; when we see in the daily press lists of subscribers to those funds who are well known to represent and stand for corporate interests; when we contemplate the munificent sums set opposite their names, we can not escape the inquiry, why the moral sentiment of the country remains silent, and why those who believe in clean politics and honest government do not join

in general denunciation of methods, which like those, can but lead to the corruption of the franchise, and end in the debauchery of the public service.

The failure of the great liberty-loving, law-abiding, uncorrupted and incorruptible majority to respond to the dictates of the public conscience, and to act in obedience to their higher instincts, can be accounted for only on the hypothesis of their habitual subservience to the behests of party discipline, or of their inability to rise above the superstitious belief inculcated by party spirit, that those of their fellow-citizens who do not agree with them in politics, can not be safely trusted with the administration of public affairs.

In the language of Phillips Brooks, "The great vice of our people in relation to the politics of the land is cowardice. It is no lack of intelligence; our people know the meaning of the political conditions with wonderful sagacity. It is not low morality; the great mass of our people apply high standards to the acts of public men. But it is cowardice. It is the disposition of one part of our people to fall in with current ways of walking, to run with the mass, and of another part, to rush headlong into this or that new scheme or policy of opposition merely to escape the stigma of conservatism."

The first of these classes is made up of the victims of party spirit, those who at heart loathe and condemn political bosses and their methods, but lack the moral courage to assert their love of country through their personal independence. The second, of those who revel in the excitement and passion which the eloquent and wordy demagogue never fails to arouse. Either class is honest. Either prefers good government to bad, but neither can shake off the burden imposed by the national vice of political cowardice.

"If parties in a republic are necessary to secure a degree of vigilance sufficient to keep the public functionaries within the bounds of law and duty, at that point their usefulness ends. Beyond that they become destructive of public virtue,

the parent of a spirit antagonistic to that of public liberty, and eventually its inevitable conqueror. We have samples of republics where the love of country and of liberty at one time were the dominant passions of the whole mass of citizens. Yet with the continuance of the name and form of free government, but a vestige of those qualities remains in the bosom of any of those citizens. It was the beautiful remark of a distinguished English writer that 'In the Roman Senate Octavius had a party, and Antony a party, but the Commonwealth had none.' Yet the senate continued to meet in the temple of liberty and talk of the sacredness and beauty of the commonwealth, and gaze on the statues of the elder Brutus and of the Curtii and Decii, and the people assembled in the forum not as in the days of Camilus and the Scipios, to cast their free votes for annual magistrates, or to pass upon the acts of the senate, but to receive from the hands of the leaders of the respective parties their share of the spoils, and to shout for one or the other, as those collected in Gaul or Egypt and the Lesser Asia would furnish the larger dividend."

An American soldier and statesman, who had faithfully served his country during a long and eventful life, was constrained to speak these words and to utter this warning to his countrymen sixty years ago, as he was entering on the duties of the highest office of the republic, which duties destiny permitted him to discharge but for the brief period of a single month. His words were intended to emphasize what to him then appeared perfectly clear, that the violence of the spirit by which parties were governed must be greatly mitigated or appalling consequences would follow as the inevitable result.

I may say with reasonable confidence that nine-tenths of the corporations now engaged in shaping public opinion would welcome the opportunity to abandon that policy and gladly confine their attention and devote their moneys to none other than the purposes of their creation. If they could be

relieved from the annoyances and dangers attending the attacks of the place-hunter and the professional agitator, and be protected against the demands of the greedy bosses in charge of party organizations, they would submit without remonstrance to all proper restraints and forget their past political affiliations in the more energetic prosecution of their corporate business.

It is within the power of the right thinking people, who constitute the overwhelming majority of the American voters, to discredit the demagogue as a mischief-making agitator; and to overawe the greedy and conscienceless party managers into decent respect for the statutes intended to suppress law breaking, and to protect the public, including corporations, against being dragooned into contributing funds for the promotion of party success through the corruption of the franchise, but this most desirable consummation cannot be reached without unity of action, nor without concerted, persistent and continuous effort. If but the whole body of respectable citizens would move together, their triumph would be certain.

It is at this point that party spirit exercises its unfortunate influence. It fans the flames of past political antipathies. It appeals to the sentiments of party fealty, denounces party treason and insists that reforms can be had within better than without the party, and that nothing can be more disastrous than the success of the political adversary, which only professes virtuous intentions with the hope of securing the power it is certain to abuse in the future as it has done in the past. Such tactics scarcely ever fail to succeed and with their success the zeal of the reformer abates. Disheartened by defeat, he concludes that the struggle for good government is hopeless and then shapes his future course on the assumption that there is nothing left for him except to make the best of conditions that apparently cannot be controlled. Reformers forget that ultimate success depends on unflagging effort; that constancy and earnestness always tell with the

voters, even when they do not at the moment succeed, and that the potency of enlightened and disinterested public spirit becomes irresistible under the leadership of those who never despair and never forget "that the hour hand must make progress if only the minute hand keeps moving."

To prepare the people for this important, if not indispensable, work a new declaration of independence must be made and a new emancipation proclamation enforced. The absolute right of party managers to direct and control political action, without regard to its effect on public morals or the purity of the public service, must be repudiated, and those who have heretofore subordinated their personal convictions and moral instincts to the dominance of party spirit and party allegiance must cast off their shackles and assume the true position of American freemen:

"He is the free man whom the truth makes free
And all are slaves besides."

A party may profess the greatest reverence for free institutions, and observe with rigorous fidelity the forms of the Constitution, while in fact it is engaged in establishing the control of a class representing interests not only inconsistent with but antagonistic to the common good. Herbert Spencer taught us that:

"This worship of the appliances to liberty in the place of liberty itself needs continual exposing. There is no intrinsic virtue in votes. The possession of representatives is not itself a benefit. These are but means to an end, and the end is the maintenance of those conditions under which each citizen may carry on his life without further hindrances from other citizens than are involved in their equal claims—is the securing to each citizen all such beneficial results of his activities as his activities naturally bring. The worth of the means must be measured by the degree in which the end is achieved. A citizen nominally having complete means, and

but partially securing the end, is less free than another who uses incomplete means to more purpose."

He is not a good party man who follows his party leadership into paths that lead to unwholesome government, or who approves or condones party methods that contravene public morals or public decency. The true party man is he who insists that the rules prevailing with men of honesty and probity in business transactions, shall also prevail in the conduct of party affairs; who reserves the right, when overruled by his party associates in matters involving honor and fair dealing on the one hand, and political dishonesty, chicanery or corruption on the other, to obey the dictates of his conscience and to walk the path marked out by good citizenship, even though to do so leads to party defeat.

There are times when a party cannot be reformed except by discrediting the managers charged with its leadership, and there is no more effectual way of discrediting party leaders than to demonstrate that their policies and methods lead to inevitable and continuing disaster.

There is a class of corporations to which the line of reasoning heretofore indulged in extenuation of corporate interference in public affairs does not apply. They first make themselves parties to combinations, having in view the control of particular lines of business, or the creation of monopoly, and then seek through political manipulations to protect themselves against the action of the legislatures and the judgments of the courts. Such combinations are opposed to the principles of the common law, are prohibited by the statutes of many of the states, and condemned by congressional enactment; but they continue to exist, and their illegal operations progress without apparent let or hindrance. Every week we read of the formation of another trust of gigantic proportions for the avowed purpose of controlling some line of business in which the general public are vitally interested. Statutes do not intimidate, nor the judgment of the courts deter their promoters. They face public indignation with perfect equa-

nimity. The president and directors of these combinations sit in political conventions and take part in the formulation of party platforms denouncing trusts in the most unqualified terms. These presidents and directors understand that it is one thing to condemn by statute, to occasionally prosecute some insignificant combination in the courts, and indignantly denounce the trusts in party platforms; but quite another, to supplement the work of the legislatures and the courts by organized and aggressive public opinion, against which no prohibited organization detrimental to the public good can long maintain itself.

So long as the active opponents of trusts continue to treat all corporations as equally bad and all combinations of capital as equally pernicious, just that long they will continue to reinforce the monopolists with allies, who have no sympathy for, but are compelled to make common cause with them, in order to protect themselves in the war they are being foolishly and unjustly required to defend.

Corporations owning and controlling the railways of the country represent the greatest combinations of capital. They are peculiarly subject to governmental control and regulation. Almost without exception they are engaged in commerce between the states. That fact warrants intervention by the general government to prevent non-competitive combinations and to protect the public against unreasonable and unjust discriminations. If complete success has not followed congressional legislation in this regard, the enforcement of the present statutes in their spirit and according to their manifest intent may and probably will remove all just grounds for complaint; if not, experience will eventually point out such remedies as may be necessary for the accomplishment of this most desirable end.

Local public utilities, such as gas, electric light, and water works, as also street railways, are from their very nature under the direct supervision of local municipal authorities, and nothing short of the wilful failure of such

authorities to exercise their undisputed powers for the public good, will permit the abuse of corporate privileges by the corporations operating and controlling such utilities.

It is with the industrial combinations that the greatest difficulties connect themselves. These combinations organize under state authority. In the broader sense, they are local and domestic. They are not subject to federal control, except when they can be reached through the commerce clause of the Constitution, and the general inapplicability to such domestic concerns of the powers conferred by that clause is recognized by all who have investigated the question. Creatures of the states, their business operations must in the main be controlled and regulated by the states. Those who demand remedy at the hands, and insist on action by the Federal Congress, content themselves with dealing in general propositions, and have thus far failed to suggest the framework of a statute that will reach the evil, respect the reserved rights of the states, and at the same time stand the test of constitutional validity.

Many of the industrial combinations are directly benefited in their business by the tariff duties imposed on goods imported from foreign countries. Those benefits may or may not be reasonable or legitimate, but they are none the less desirable. Hence, whenever tariff legislation may be pending, or is proposed, the influence of corporate enterprise makes itself felt, and as its representatives profess to speak for American labor, and are always unselfishly devoted to the protection of the American workingmen against the competition of the pauper labor of Europe and Asia, their arguments carry with them almost irresistible force. It is not to be objected that lawful business associations seek opportunity to present their just claims for or against proposed legislation first to the electors, and after the elections to the representatives of the people; but the methods of such presentation may be the proper subject for the severest animadversion. Argument addressed to the reason of those sought

to be effected, is always legitimate, but there are influences more potent than argument, and not necessarily or even usually such as outrage public decency or tend to shock the moral sentiment of the country.

Social considerations, good fellowship, the desire to cultivate intimate relations with those whose names are everywhere associated with wealth and power, with industry, enterprise and progress, control the actions of many who would repel with indignation and scorn a suggestion even remotely involving venality or personal advantage.

Corporate influence exercised through these channels is always for the advancement of corporate business interests and never for the general good alone. It is necessarily unhealthy and demoralizing, and ought to provoke universal condemnation. The danger is all the greater in the fact, that it moves on the lines of propriety and operates through men who always observe the amenities and decencies of life, and whose high position in society, gives the color of respectability to all they may do or say in reference to any matter of either private or of public interest.

Whatever reduces or minimizes the importance of the individual diminishes the sense of responsibility and weakens the force of the obligations of duty that would otherwise impel every conscientious man to their due observance. So long as we unhesitatingly submit ourselves to the necessary tendency of this diminution of personal responsibility, we surrender our convictions of duty in politics to the policies and necessities of our party, and in organized business adventures, we surrender them to corporate interests and advantages. We look to dividends rather than to the approval of a good conscience, and hear with complacency, instead of resenting with indignation, the common witticism, that a corporation is a body without a soul.

The proprieties of the present occasion do not admit of an exhaustive discussion of all the questions involved in the consideration of corporate influence. It is not expected,

and if it were, time would not allow us, to follow in detail all the ramifications, social, business and political, into which the conditions brought about by combination and organization necessarily divide themselves. As organization in politics tends to reduce the importance of the individual elector, so combination in business tends to minimize the consequence of each individual member of the adventure, except it be those entrusted with the active management and control of the organization.

In politics we shall continue to have parties. It is altogether likely we could not administer the government without them. In business, we shall continue to operate, in a very large measure, through the instrumentalities of corporations. We can neither abolish party nor dispense with business organization. Such being the case, it is the more important that public attention shall at all times be directed to the evils and abuses flowing from both organized politics and organized business. Possibly some of those evils are inherent and beyond the reach of remedy, but the effects of some may be mitigated, and the abuses, or at least those abuses fraught with the most destructive or dangerous tendencies, may be wholly eradicated. But these evils can not be mitigated nor the abuses eradicated, except by concerted, aggressive and persistent action on the part of those who set their hands to the work of reform.

Political parties cannot and need not be disbanded. They may be kept in the lines of usefulness and out of the paths of selfishness and wrong by the conviction on the part of those who lead them, that we have a body of independent citizens strong enough to insure victory to the deserving, and pledged to the inevitable defeat of the party that represents class interest as against the commonweal, or which, to insure success, resorts to methods that cannot stand the test of public scrutiny.

Corporate influence intended to affect political life, officiously thrust into party contests, or officiously brought to

bear on legislative action, is inconsistent with good government, a palpable abuse of the corporate privilege, and should be met with public reprobation, whenever and wherever it may make its appearance.

Serious and deplorable as are the evils growing out of corporate influence on political life, unfortunately for the public welfare it is not without potent and efficient allies and co-workers. Other well known and equally indefensible influences are utilized to defraud the ballot, to corrupt the franchise, and to defeat the real and genuine will of the liberty-loving and law-respecting majority. Against the entire brood of political jobbers and venal party bosses, and against every one of their corrupting and unholy methods, enlightened public opinion is under the highest obligations to uncompromisingly set its face.

I am not one of those who indulge in pessimistic fears as to the future. The American Republic will not fall as Rome fell. Our Anglo-Saxon civilization contains the seeds of its own rejuvenation. The body of the American citizens can not be corrupted, or permanently led astray, and when aroused to the necessity for the reassertion of their capacity and of their determination to preserve the free institutions transmitted to them by their fathers, they will not in the future, as they have not in the past, prove unequal to the emergency. It is, however, a pertinent inquiry, and one worthy of serious consideration, whether the present is not the time when lethargy should be shaken off, and a more active interest manifested in the upbuilding of public purity and of political integrity.

In this connection, and by way of concluding the remarks, I have had the honor this evening to submit, I assume the liberty of paraphrasing an extract from a recent editorial by one of the strongest writers and most eminent citizens of my own state.

There must be an awakening all over the country to a keener sense of responsibility, and a realization of the fact

that to retain the republic in its integrity we must be true to the ideals of life; we must be willing to consecrate to the public service at least a portion of our time and a portion of our means. It is not enough that we may live in a community and make money, protected by its laws; but that we should devote to the advancement of that community our thoughts, our goods and our energies. If this be not done; if we value peace above honor; if instead of agitation and resistance we prefer, in addition to the regular taxes, to submit to taxation by political rioters and partisan robbers, we may be certain that life in the republic will be intolerable to the next generation.

Doubting not the integrity of the masses, or their devotion to honest government, I have confidence that our difficulties, present and future, foreign and domestic, will be patriotically and intelligently met and overcome, and that this government of the people, for the people and by the people is not predestined to perish from the earth.

III

COMBINATION OF CAPITAL AS A FACTOR IN INDUSTRIAL PROGRESS ∴ ∴

**INDUSTRIALS AS INVESTMENTS
FOR SMALL CAPITAL ∴ ∴ ∴ ∴**

BY JAMES B. DILL, ESQ.

NEW YORK CITY

INDUSTRIALS AS INVESTMENTS FOR SMALL CAPITAL.

By JAMES B. DILL, Esq., of New York City.

I.

The industrial movement must stand or fall by the proposition whether industrials are or are not to become an investment for the small capitalist.

I have read articles in public print by gentlemen of learning, sometimes by men of high political reputation, stating how industrials were promoted, organized and financed, but some of these gentlemen seemed to deal in matters other than those with which they had large practical experience. I have listened to presidents and professors of institutions of learning upon the promotion, financiering and the launching of industrial combinations. I have read much and heard much upon this subject, but in all frankness I say to you that I have yet to hear from one who has actually promoted, organized and financed a public industrial combination a public statement in detail as to how such organizations are really promoted, organized and financed.

I may add, parenthetically, if you please, that under the topic assigned me to-day I feel it would not be relevant for me to be the first to break this silence.

We are told that combinations are brought about by natural causes, that it is a natural evolution, and while it is quite true that antagonistic competition and business surroundings have tended to bring together the great industrial combinations, yet it has not always been for the good of the public at large that these large combinations have been created. It has sometimes been primarily for the good of the pocket of the promoter and the financier. The result of the promoter and the financier in combinations often appears in watered stocks, and overcapitalization.

The industrial of to-day is not always looked upon as the most conservative investment or as the security most desirable as bankable collateral, because many contain the promoter's reward concealed in the stock issue, resulting often in excessive capitalization. Recognizing this fact the true industrial does not always pay dividends upon its common stock, but quite frequently devotes its surplus earnings to making good the capital issued for good-will or other intangible property, driving out the water, if water there be, and creating a financial reserve ordinarily, but sometimes inaccurately, designated as surplus.

The true industrial withdraws its stock from speculations in the market, aiming to convert its stocks into securities valuable as an investment. The volume of trading in its stocks is sought to be decreased, to make its holdings of stock permanent rather than fluctuating.

Industry always, speculation never, affords a nation security, prosperity and ultimate success. The pursuit of the gambler and the occupation of the merchant are of widely different character. The true industrial differs as widely from the too common speculative specialty that goes under the name of the industrial as the merchant differs from the gambler. Such speculation is the opponent of industry, and speculation and industry cannot go hand in hand in any one organization.

If it be possible for any one man or body of men controlling as officers any industrial corporation, to close any factory or number of factories, to throw out of employment, either temporarily or permanently, large numbers of men; if it be possible that this may be done for the mere purpose of stock speculation, then it certainly follows that there is just cause for fearing grave disaffection. That combination whose energies through its board of directors and officers is mainly given to the Wall street end of the proposition is not an industrial in the true sense of the word. That corporation whose board of directors or officers devotes more time and

more attention to the ups and downs of the market price of its stock than it does to the distribution of dividends among the stockholders, to the increase in effectiveness of production, to the cheapening and bettering of the article produced, is the opponent of every honest combination of capital.

Without seeking to excuse the improper promotion and the unwise financiering, we must recognize the law of supply and demand. People are largely furnished with what they call for. The promoter and the financier, in bringing these combinations together, have had a keen eye to the public demands and in the future will have the same keen eye to what the public will take. If the public demands an investment they will be inclined to furnish an investment; if the public asks for a speculation, or gambling specialty, the promoter will flood the country with these until financial ruin stares many in the face.

As long as the American public are willing to gamble with the industrial interests of the country, just so long will the promoter force the water into the great arteries of trade, subverting the great industries of the nation into the mere tools for the gambler and the speculator, eventually resulting in the great injury to a nation of industries. This by no means excuses vicious promotion, or improper financiering, but speculation tends to encourage both evils.

There are certain invariable marks of promotion, speculation and schemes which will point the true character of the organizations beyond the possibility of a mistake. When one finds in the charter the language found in so many: "The stockholders shall have no right to examine the accounts, vouchers, books, papers of the company, except so far as they are granted by statute," the conclusion is inevitable that information will not be freely given to the stockholders.

A provision that the directors shall at the first election be divided into classes, a majority elected for a maximum term of years, suggests that those in control are not willing to

leave to the stockholders the question of whether they prove to be the proper managers of the business, are not willing to delegate to the stockholders in their annual meetings the power to displace the board, if the management is either mistaken, erroneous or even fraudulent. Thereby the promoters and financiers perpetuate themselves in office for a term of years, leaving the stockholders without recourse, by an examination of the books, to discover whether or not the business is conducted properly, taking from the stockholders the right to go to the stockholders at large and to open the question of the propriety or impropriety of the board of management.

There are industrials true and fictitious, there are wolves in sheep's clothing parading as industrials. The classes are clearly distinguishable if a proper examination is made. We have professional men who examine titles to real estate. We have Title Guarantee Companies who issue policies of insurance on titles, but the people seem to have no bureaus of information as to the industrial promotions and gambles that are so freely offered to the public, upon which they can rely with safety. The Exchanges do not seem to have resulted in keeping stocks improperly designated as industrials from the market.

Industrial combinations are producing a new class of financiers, a new order of corporation men. Business character and personal character cannot, in the long run, differentiate widely. Every corporation which attempts to go to the public and to place its securities should be held to the responsibility of selecting men of integrity and standing as its officers and directors. The institution which places stock manipulators and speculators in charge of its affairs should be promptly classified. The company which fails to put men in its board who feel themselves charged with a large and public duty toward its stockholders should fail to find a market for its securities.

If the journals of trade and commerce in our great

cities would accurately and impartially analyze the charter and by-laws of each corporation whose stock is to go to the public, the public would soon be educated as to the difference between the industrial and the Wall street gamble.

Panics would be confined to the promoters, and not extend to the investors, if the public examine first, invest afterwards. No man would invest \$1,000 or \$10,000 in the purchase of real estate, or loan that amount on real estate as security, without an examination of the property, a knowledge of its value, a certainty that it actually exists, and assurances that the title is good.

Use the approximately same care in the investment of \$1,000 or \$10,000 in an industrial security, and the first thing an investor will do, will be to demand an examination of the certificate of incorporation and the by-laws of the company. Although the stock is wholly dependent on the certificate of incorporation (sometimes called the charter) and upon the by-laws, yet the average man as a rule does not ever ask to see the charter or the by-laws. If every investor would insist upon seeing and understanding the charter and by-laws, and as well an accurate financial statement of every company before he would buy the stock, it would produce a revolution in corporate matters.

The law of supply and demand is the strongest law that can be invoked, and if there is a demand for speculative specialties in this country, the so-called industrials will be put together to answer that demand, rather than a demand for honest investment on the part of permanent investors.

It depends upon whether the investor demands information as to what he shall buy, as to whether he selects and exhibits the same care in the purchase of industrials as he would in the purchase of a horse, as to whether he exercises a fraction of the care in the purchase of industrial investments which he does in the purchase of the same amount of a real estate investment.

II.

The entire country is demanding secure, interest-bearing investments in small denominations. The industrial combinations of to-day should furnish such investments. To-day the capital of corporations of integrity is sought for by investors for the returns which they afford, and the safety which they give.

Too many so-called industrials are not true industrials. If and when the industrials are properly classified, put upon a business footing, fictitious valuations adjusted, then, and not before, will industrials as a class become an investment.

The fact that the stocks of any company are largely the subject of speculation is an argument against its soundness and its integrity.

When a stock becomes an investment, then we are assured of the stability of the enterprise, we are certain that the business is being conducted for the benefit of the stockholders as a whole, rather than for the benefit of the few in power, by means of speculative enterprises. When an industrial combination places its securities upon the level of true investment for small capital then, as to that corporation nine-tenths of all the difficulties and doubts surrounding the present evolution of capital and combination are solved and settled.

The relation of labor to great combinations of capital is largely solved when the laboring man owns and holds as investments the stocks of the corporation. That corporation whose stocks are truly an investment, which takes the place with the laboring man of the savings bank, but at 6 per cent. instead of 3 per cent. interest, is on a sound basis and is not in conflict with the laboring man because he is a part of the corporation itself.

The question is often raised whether the real estate investment is the best for the laboring man. It has been argued that that laboring man who owns his own home instead of renting one, is so tied down that he is not able to avoid the

cutting down of his wages or to move elsewhere if higher returns are offered for his labor. The converse of this proposition appears when the laboring man holds the stock as an investment.

III.

Finally, the question of the investment in industrials is not to be discussed from the standpoint of the promoter, the financier and the banker, but from the point of the ultimate distribution of industrial securities, that is, of the investment by the people at large, the small capitalist.

By the small capitalist, I refer to that class of men who have from \$100 to \$10,000, or more, to invest, and who, according to the argument of those opposed to combinations, are forced to withdraw their capital from mercantile business because of the pressure of competition resulting from combinations or from other results of the organization of capital. It solves the question of the small merchant otherwise perhaps forced out of business by competition.

If we accept the statement as accurate, that the man with \$10,000 invested in the dry goods business in the city of Philadelphia, may be driven out of business by reason of the greater inducements offered to the public by such business houses as that of Mr. John Wanamaker, then it is equally important to this man whose \$10,000 has been withdrawn from business that it should be reinvested with more security if with perhaps slightly less income from the capital.

The safety of industrials lies in the investment by the small capitalist rather than the large capitalist because, so long as the control of these large corporations is wholly in the hands of the large capitalist the corporations themselves may be managed for the best interests of the large capitalist rather than for the individual stockholders and the country.

The question then may possibly be, how can the majority stockholder make the most money, and if that is to be made best in the way of speculation, perhaps by buying and selling

the stock, or by the artificial raising and lowering of prices. The decision may not rest upon what is for the good of the many, but what is for the good of the few in control. As it is for the good of the industrials themselves, so it is for the people at large, that the small capitalist, the many capitalists and the many stockholders, hold the control of the company through its stock rather than to see it in the hands of the few or possibly the one.

I am forced to treat the subject with brevity and without due explanation or enlargement, a difficulty readily understood when the breadth of the topic is comprehended.

I do not desire to be understood as urging in the present state of affairs careless investments in the stock of all the so-called industrials, nor as suggesting that the common stocks of some so-called industrials are to be regarded as proper investments. I desire to be understood as suggesting that the industrials so-called of to-day include many false industrials; that the true industrials should be distinguished from the false, and that the true industrial is benefited by the investment of the small capitalist, and, on the other hand, in the true industrials (not in the speculative specialties) the small capitalist should find, and often will obtain, an investment reasonably safe and, by reason of the earning capacity of the industrial, productive of a larger income. To the man who needs 6 per cent instead of 3, the true, not the fictitious, industrial should present an opportunity for investment.

The suggestion attributed to Professor Hadley (perhaps erroneously) that the remedy for vicious promotion and improper financiering was the ostracism of the promoter and the financier to some seems to fall short of practicability. The principle is perhaps feasible applied to the stocks rather than to the men who made them, and I am urging that when and if the people discriminate between the good and the bad and ostracize by refusing to invest in the bad, that the occupation of the manufacturer and promoter of the false

industrial will cease to be a profitable one. Certainly the proposition must meet with approval that the nearer the corporation is managed to the line of the true industrial, which aims to make its securities honest and productive investments, to that extent the industrial movement will be improved.

It is also safe to assume that when and if the true industrial is evolved out of the present state of affairs that then the true industrial will be upon a better footing, if its stocks are widely scattered and firmly held by small investors throughout the country.

Combinations of capital improperly organized, managed and conducted for a purpose other than that for which they are apparently incorporated, viz., to conduct an industry on industrial lines, are an evil. Honest corporations, honestly organized, managed and conducted with a single eye to conduct a legitimate industrial business, whose capital is widely distributed, whose stocks are an honest investment for capital small and large, of such corporations we may confidently assert they are a lesser evil if we cannot agree that such corporations are a positive good.

In December last, before the American Economic Association at Ithaca, I had occasion to say that

"It seems true that any tendency in any corporation to have two interests in the business equally important and equally engrossing the attention of the officers, the one the business end of the corporation, and the other the speculative or Wall street end, is a tendency which may be, with emphasis, pronounced dangerous; dangerous to the corporation itself, as exposing it to attacks from sources other than those of the business itself; dangerous to the officers of the corporation, as tending to take their attention from the one and only end and purpose of the corporation, viz., the betterment of the industry in hand; dangerous to the stockholders, as furnishing them a false and unwarranted indication of the progress, or, as the case may be, the failure of the business itself,"

and I may add that recent events have not changed my opinion in this respect.

It is a matter of congratulation that the consideration of industrial combinations has moved up apace from the original standpoint from which it was first discussed. Mere denunciations, the simple calling of names and the use of adjectives and passionate declamations have been clearly demonstrated as lacking the weight of statements of fact and as failing to enlighten the public upon what is to-day a topic of pre-eminently public interest.

Not only has the manner of discussion been elevated, but the view point has been carried upwards as well. The main question to-day is not whether the washwoman buys her small quantity of kerosene at eight cents instead of six cents a gallon, the wholesale price, but rather whether the public as a whole are benefited by combinations of industrial capital and benefited, not only as consumers, not only as producers, but what is the finality of the question, as widely distributed investors of capital.

The results of public discussion on both sides of the question have been to bring the thinking men of both parties more nearly in accord, and with the result that the corporate standpoint has been elevated.

Criticisms made upon corporations and upon corporate methods have not always been without foundation. Men of integrity and honesty of purpose, among whom Attorney-General Frank S. Monett of Ohio stands prominent, have done much to elevate the standard of corporate morality in attacking corporate evils. Instead of disregarding the statements of such men, the wise corporation lawyer carefully weighs them and while from a corporation's standpoint one may not always agree in detail with the learned attorney-general, nevertheless, the corporation lawyer profits by his suggestion and endeavors to avoid being unduly subject to fair criticism in these respects.

Corporations of integrity are demanding that the public

investigate as between themselves and others, in order that their class may not be kept down to the level of those corporations which are otherwise situated. They are demanding, from a corporate standpoint, that the people shall become intelligent upon the subject of industrial securities, in order that the good industrial securities may not suffer with the bad.

**THE EVOLUTION OF MERCANTILE
BUSINESS ∴ ∴ ∴ ∴ ∴ ∴ ∴**

BY HON. JOHN WANAMAKER

PHILADELPHIA

THE EVOLUTION OF MERCANTILE BUSINESS.

Address of HON. JOHN WANAMAKER, Philadelphia.

My topic is one car of the long train made up by the general subject of the afternoon—"Combination of Capital as a Factor of Industrial Progress." This annual congress forms a kind of sounding-board for live questions for the entire country, and because of this I wish to contribute what I can to the general stock of information.

Evolution is that series of steps through which anything has passed in acquiring its present characteristics. The term "mercantile" covers everything relating to trade and commerce. It was from a business point of view that this city, in which the American Academy of Political and Social Science to-day raises its sounding-board of live questions for the whole country, united some years ago its dozen or more separate districts and townships into one compact municipality, making possible an improved and economical city government.

Long since the slow movements of transportation by canal gave way to quick railroading. Naturally it was only a question of time for the sailing ship and slow freighter to be superseded upon the ocean by the fast steamship to expedite commercial transactions. The exigencies of changing markets, the factors of time, fashions, seasons, the value of capital locked up, compelled the initiation of the order of progression still going on throughout the mercantile world.

The first notable change in the conduct of commercial affairs was the partial withdrawal of agencies, commission houses and jobbing houses from Boston, New York and Philadelphia, and the establishment of offices and warehouses in the Western cities in the interest of lower freight rates and saving of time and expense to buyers coming from the West to the East.

As late as forty years ago, or before the war, the transaction of business in producing and distributing merchandise required many agencies: the manufacturer, importer, commission men, bankers, jobbers, commercial travelers, and retailers.

Until twenty years ago trade rules limited the sales of manufacturers to commission men, and those of commission houses to jobbers, so that the only market door open to retailers was the jobbers, whose goods were loaded, when they reached the retailer, with three or four unavoidable profits incident to passing the various fixed stages toward the consumer.

The conditions governing the placing of goods in the retailer's hands were not only heavily weighted with expense, but, in the main, the retail merchant was badly handicapped as a rule by

- (a) Small capital, commonly borrowed by long credit for merchandise.
- (b) Necessity of selling upon credit.
- (c) Necessity for larger percentage of profit.
- (d) Impossibility of utilizing to advantage store and people all seasons of the year.
- (e) Non-accumulation of capital.

The consequence was, according to accepted statistics, that but four out of every hundred merchants succeeded in business. Getting a mere living forty years ago was generally secured in part by the occupancy of a part of the store premises as a residence. Naturally, an undercurrent of discontent with these conditions manifested itself, protesting against two or more prices for the same article, meagre assortments of goods, high prices and the custom that probably grew out of one rate to cash buyers and a different rate to buyers upon credit.

The Centennial Exposition of 1876 was, in my judgment, the moving cause of a departure toward general business by single ownership. The rising tide of popular desire to

assemble under one roof articles used in every home and with freedom to purchase was a constant suggestion in 1876, not alone because of its convenience, but because to some degree it would form a permanent and useful exhibition. This idea culminated in the formation of a Permanent Exhibition Company, which succeeded the Centennial. Being located in Fairmount Park and not in a business centre, and without skilled management, the scheme was abandoned in a short time.

Up to 1877, so far as now known, no extensive, well-systemized mercantile retail establishment upon a large scale existed in the United States. The nearest approach was the A. T. Stewart store in New York, which limited itself to dry goods of the higher class, until the death of Mr. A. T. Stewart, when it took on lower classes of goods, and a wider, but still limited scope.

That Centennial Exhibition in 1876 at Philadelphia, the principal manufacturing centre of the country, the first great exhibition in America, opened a new vision to the people of the United States. It was the cornerstone upon which manufacturers everywhere rebuilt their businesses to new fabrics, new fashions and more courageous undertakings by reason of the lessons taught them from the exhibits of the nations of the world. The continuing outgrowth of that exhibition has revolutionized the methods of almost every class of mercantile business in the United States.

The tendency of the age toward simplification of business systems and to remove unnecessary duplication of expenses, awakened throughout the United States a keen study of means to bring about a closer alliance with the producer and consumer. Almost simultaneously in a number of cities, long-established stores gradually enlarged and new stores sprang up to group at one point masses of merchandise in more or less variety. The movement everywhere arrested attention and provoked discussion because of the approval and practical support of the people at large.

Though there probably was never a time in any city that there were not bankruptcies of merchants and vacant stores, yet after the opening of the large stores, it everywhere became common with storekeepers and renters to charge all the causes of disaster to the large stores, then and now commonly called department stores, and an unsuccessful effort was made to decry them as monopolies.

For the time being, and even now, to some extent, prejudice and perhaps unconscious selfishness blinds a part of every community upon public questions. The inequality of talents and the unequal application of individuals must always carry some to the top and others to the lower places in all pursuits of life. The highest statesmanship thus far known has not been able anywhere in the world to maintain a permanent equilibrium for the slow, slovenly and misplaced workers with the thrifty, well-trained and properly fitted toilers, and criticism begins whenever and wherever one man and his family gathers a business that outgrows their own hands.

Whoever conquers a higher place than his neighbor is supposed to face a commanding position, that at least makes his business way more difficult with his fellow tradesmen. Doubtless there must be some disadvantages arising from large single businesses of every kind. The growth of our splendid free libraries will to a certain extent curtail the sale of books and affect other established libraries; the ever enlarging and wonderful facilities and inexpensiveness of the universities and colleges of learning will interfere to some degree with many private academies and schools. The trust companies that undertook insurance of real estate and titles and conveyancing, and who became banks of deposits, interfered with the lawyers and bankers. The trolley affected the business of the horse dealer. The large stores certainly affect a certain part of the small stores. Neither well-dressed ignorance nor well-satisfied storekeeping ownership can argue down that fact.

In the olden times when any city was smaller the advent of even one more small store affected every other store in the block in which it located, mayhap in the entire city. The thing to be considered, and considered fairly from every point of view, is what the large single ownership businesses contribute to the well-being of the public to counterbalance any disadvantages arising from them.

First of all it must be remembered that society is not constituted for the benefit of any one particular class of the population. Economic questions cannot be voted on by any 10 per cent of the people; the other 90 per cent must have their say. Without sentiment or prejudice, the interests of all must be justly weighed and the greatest good of the greatest number must be gained.

I respectfully submit that the evolution in mercantile business during the last quarter of a century has been wrought not by combinations of capital, corporations or trusts, but by the natural growth of individual mercantile enterprises born of new conditions out of the experience, mistakes and losses of old-time trading; that the underlying basis of the new order of business and its principal claim for favor is that it distributes to the consumer in substance or cash compounded earnings hitherto wasted unnecessarily on middlemen; that thus far the enlarged retailing has practically superseded agents, commission houses, importers and large and small jobbers, thereby saving rentals, salaries and various expenses of handling; that the establishing of direct relations with mills and makers proves to be not only desirable for the saving of such costs as are dispensed with, but because less risks are incurred in preparing products and finding quick markets, thereby favoring lower prices; that the people must be taken into the equation when considering the right of certain businesses to a title of life, as they are responsible for the new conditions, highly value and heartily support them.

It is an old axiom that the water of a stream cannot rise

beyond its level. Neither can any business rise or thrive except at the will of the people who are served by it.

I contend that the department store development would not be here but for its service to society; that it has done a public service in retiring middlemen; that its organization neither denies rights to others nor claims privileges of state franchises, or favoritism of national tariff laws; that if there is any suffering from it it is by the pressure of competition, and not from the pressure of monopoly; that so long as competition is not suppressed by law, monopolies cannot exist in storekeeping, and that the one quarter of the globe that cannot be captured by trusts is most assuredly that of the mercantile trading world.

I hold that the evolution in trade was inevitable, because it was water-logged by old customs that overtaxed purchasers; that there was at work for a long time a resistless force moving towards the highest good of humanity; that the profit therefrom to individuals who have risked their own capital, as any man may still do if he chooses, has been insignificant, compared to the people benefited both by the cheapening of the comforts of life and by the improved condition of persons employed.

Philadelphia is believed to be a buying centre for 3,000,000 people. If each of them in a year's purchase of personal needs and home necessities saves on an average ten cents a day, the saving is \$10,095,000 in a year. Suppose it be but half that amount, there is still five millions to the good of the people to be put into their savings or their pleasures.

I may be asked how such a statement can be certified to. I reply, I am not offering this information as a statement of fact, because no statement can be made upon accurate statistics of the amount of merchandise purchased each year for individual consumption. I submit this as a fair estimate from an experience of twenty-five years and more of careful study, because I desire to be a witness for the truth, that it

may be used for what it is worth in discussing economic and social questions.

I can, however, be more specific in pointing out the effect of modern retailing upon prices:

First.—Prices realized by the producer. As he sells in large lots to single firms, whose outlet he becomes familiar with as to quantities and qualities, the producer is able to count more surely upon steady employment of his work-people, and having but one risk instead of many, and smaller expenses in handling goods, can without sacrifice of his own profit, materially reduce the price of goods.

Second.—Prices paid by the consumer. The reductions of the producer, plus the lessened costs of concentrated distribution by the retailer, are turned over to the consumer. Further, the variety of goods upon sale by the large retail house, unlike the exclusive merchant having only a two-season business and sometimes only one at the holidays, does not require profits from two or three months' sales to bear the year's rent, insurance and clerical force. An all-year-round business, bringing a steady current of buyers, is the essential thing to use buildings and clerks to advantage and warrant small profits.

It is an easily proven fact that the operation of the American retail system has reduced the prices of many classes of goods one-half in twenty years. But for the length of this paper I would add items in books, bicycles, furniture, woollen dress goods, clothing, housefurnishing goods and china. There are other causes of reductions operating in some instances, but a prominent cause is the bettered condition of retailing.

There are some who claim that the reduced cost of quinine was the removal of the tariff, but the fact is the Britons appointed a commission to learn the causes of its scarcity, and who, to reduce its price, sought the proper soil for the growing of abundance of trees, and thus increased the supply and lowered the price.

The evolution in American trading has planted trees that have borne good fruit for the people.

General Grant, in proposing the health of Sir William Armstrong at a dinner, laid his hand upon a hundred-ton gun and said the inventor of it had produced the most powerful peace-compelling implement the world had ever seen.

I believe the new American system of storekeeping is the most powerful factor yet discovered to compel minimum prices. Perhaps some one will ask what relation reduced prices of merchandise have upon labor. It is a noticeable fact that lowered prices stimulate consumption and require additional labor in producing, transporting and distributing. The care of such large stocks, amounting in one single store upon an average at all times to between four and five millions of dollars, and the preparation of and handling from reserves to forward stocks, require large corps of men. Under old conditions of storekeeping a man and his wife or daughter did all the work between daylight and midnight. The new systems make shorter hours of duty and thus the number of employes is increased, while many entirely new avenues of employment for women are opened, as typewriters, stenographers, cashiers, check-clerks, inspectors, wrappers, mailing clerks and the like. The division of labor creates many places for talented and high-priced men, whose salaries range alongside of presidents of banks and trust companies and similar important positions. It is universally admitted that the sanitary conditions that surround the employes of the large stores are better than in the old-time smaller stores and that employes are considerably better paid.

Inventions and new processes do not destroy employment any more than the sewing machine or typewriter or Mergenthaler typesetting machine has done so. I grant that in these and many similar cases the lines of employment have changed, but the newspaper adds thousands to its circulation by being ready hours sooner for mails to carry it to distant points, and the sewing machine and typewriter

machine have, like the uses of electricity, telephone, etc., created work and employment that did not previously exist.

Taking the number of employes in the old-time smaller store at an average of five, it would require, when the full complement of employes are on the pay-roll of a representative large store, as many as 1,200 stores to furnish as much employment, while the total payments of salaries would be very much higher in the large store than under the small store system.

Some of the large stores are commercial universities, where the young people are in classes in the evenings under competent teachers, and engaged upon the practical work of the store during certain hours of the day. A part of the new business is the Mutual Benefit Association, which is managed wholly by a board of representative employes, through which, in cases of sickness, accident and death, benefits have been given from 1882 to 1899 amounting to two hundred and forty-six thousand two hundred and thirty-nine dollars and twenty-seven cents (\$246,239.27), nearly a quarter of a million of dollars.

In addition to the usual salaries fully up to and believed to be above the level of salaries usually paid, one mercantile firm is known to have paid to its employes by various schemes of co-operation the sum of six hundred and ninety-seven thousand four hundred and twenty-eight dollars and twenty-three cents (\$697,428.23), nearly three-quarters of a million of dollars—during a period of 1888 to December 31, 1899.

What is the effect of the modern retail store upon competition? Are its tendencies monopolistic in the control of merchandise or of trade? I counted yesterday the number of mercantile licenses of dealers, places and stores in Philadelphia in the year 1870. There were 16,560. To-day I obtained the number of notices of mercantile licenses thus far sent out in Philadelphia representing the stores and

places of business, and the figures given me are a minimum of 34,000, with an additional number yet to be issued.

The population in 1870 was 674,022, twenty years later it was 1,046,964, and is now variously estimated at from 1,250,000 to 1,300,000. The number of stores in 1870 (16,560) to the population of that date was 245 for every 10,000, while at the maximum estimate for 1900 the number of stores is 267 for every 10,000 persons. The increase in the number of business dealers has more than kept pace with the growth of the population.

Very few, possibly not more than 5 per cent of the retail stores of the United States are incorporated. They are as a rule under private individual ownership, and their business enterprise represents capacity and capital coupled with executive ability. It is not always the result of generalship; oftener it is, that it is "dogged that does it." Of such incorporated stores there are in this city twelve that did not exist in 1870 upon their present plan which furnish employment, by careful and, I believe, accurate estimate of 15,270 persons, a number almost equal to all the stores existing in 1870.

Extensive retailing in this country is the product of competition in buying and selling for there does not exist in retail business any known combination for the control of unpatented and unpatentable merchandise, nor for the fixing of prices in the interests either of merchants or manufacturers. The entire practical influence of the modern department store is powerfully against monopoly in any branch of manufacturing or selling. Retail merchants, in common with the public, may be at times for brief periods subject to combinations of makers of goods to control prices and create profits, but they are not, and never have been, parties to such measures, at least so far as publicly known.

If all the storekeepers of any one city were to combine, such a combination would not stand twelve months because of the power of manufacturers to become retailers, and

further, such a city of combinations would be overwhelmed with independent storekeepers from every other city, who would very properly expect and command the support of the people.

Public service is the sole basic condition of retail business growth. To give the best merchandise at the least cost is the modern retailer's ambition. He cannot control costs of production, but he can modify costs of distribution and his own profits. His principle is the minimum of profit for the creation of the maximum of business. The keen rivalry of retail trading is inimical to a combination between different and competing firms and companies. Such a combination would advance prices and diminish consumption and increase cost of production. The vast varieties of merchandise required by the modern retail store make combinations for the control of articles in process of, and possible of manufacture in every part of the world practically impossible. It is possible for retail merchants in several localities to combine purchases for the sake of economy, but such co-operation differs widely from the organizations commonly known as trusts. Neither would it affect retail prices save to reduce them.

Any control of the retail trade attainable rests entirely upon superior service and lesser prices, and must always be an unknown, or at least a changing quantity. It can never be vested permanently as a possession in any single hands, nor in any group of organizations. Popularity, founded upon distinct actual worthiness, is its only power to command. Success in some branches of mercantile life has its intense individuality, and is a matter of intense personality, much the same as in the journalistic and other learned professions. Only when personal ability and character can be translated into a franchise, can a retail business become a valuable entity. Until then merchandise, real estate and plant, such items as have commercial value, are its only assets.

I fully agree with the President of the United States in his last message, where he says:

"It is universally conceded that combinations which engross or control the market of any particular kind of merchandise or commodity necessary to the general community, by suppressing natural and ordinary competition, whereby prices are unduly enhanced to the general consumer, are obnoxious not only to the common law, but also to the public welfare."

The evolution in business which I have endeavored to discuss has not sought nor has it the power to limit production or stifle competition or raise prices. On the contrary, its chief objectors are those who claim that it makes prices too low. It affects articles of supply of every home and of so many thousands of kinds and ever changing character that no other restriction can obtain than the natural demand. The fact that it deals with distribution and affords intelligent and economic treatment of merchandise increases employment.

It has demonstrated advantages to the public hitherto not common, if at all possible, to former systems. In increasing values of real estate, wherever large businesses are located, smaller stores crowd around them, in some instances changing the values of an entire neighborhood. Statistics prove that it does not anywhere crowd out competent and useful merchants. It saves a multiplication of agencies to the benefit of the consumer in reduced prices.

It introduces into mercantile business a measurably good civil service and provides a systematic commercial education for beginners in business in many business places. It elevates the position of employes, the large number of persons required, affords self-respecting assistance to employes in misfortune, and for the losses arising from sickness and death. It offers opportunity to educated business people of advancement and earning power not possible otherwise.

Its system of prices, guarantees and return of goods for

refund, not as a favor but as a condition of the contract of sale, is a boon to the ignorant and hasty buyer and to the public generally, not known until introduced by the new order of business.

The alteration in business conditions in the last quarter of the century has not only removed oppressive burdens resting on the public and added to the safety of investments in manufacturing, but it must surely reduce the number of wrecks along the shores of mercantile life.

The elevation of the standards of trade and business transactions must raise the level of the mercantile calling. There will come again a new race of merchants like Amos Lawrence, of Boston; William E. Dodge, of New York; Samuel Budgett, the Morleys, father and sons, the Copestakes and George Moore, of London; William Ewart, of Belfast, and Madame Boucicaut, of Paris.

It rests with the people to commend and command what serves them best. It is only when the fuel ceases that the fires of good government or good business methods burn out. If the public chooses to permit unwarranted taxation or restrictions upon private business enterprise, large or small, that cheapens whatever enters into the daily wants of every home, it only adds to the expense of living. Whatever the fixed charges of business are, whether they come from wastefulness or ignorance of merchant or legislator, it is the consumer who in the last analysis foots the bill. The keys of every public question are in the hands of the people, and it is the people alone who, by neglect and discouragement, slow up and stop the wheels of progress.

**THE INTEREST OF LABOR IN THE
ECONOMIES OF RAILROAD CON-
SOLIDATION ∴ ∴ ∴ ∴ ∴ ∴**

**BY WM. H. BALDWIN, JR.,
PRESIDENT OF THE LONG ISLAND RAILROAD**

THE INTEREST OF LABOR IN THE ECONOMIES OF RAILROAD CONSOLIDATION.

WM. H. BALDWIN, JR., President of the Long Island Railroad.

It is my purpose to refer briefly to the general questions affecting labor, by reason of the consolidations of railroads. Any attempt to reach conclusions based on statistical averages will be avoided.

The limitations and qualifications necessary to be considered in comparing average wages for different periods, make such comparisons misleading. My position will be sufficiently proven by the testimony of the employes themselves. An exhaustive study of the question will not be attempted. Reference is made particularly to the five classes of labor employed in transportation service, as representing special classes of expert labor.

The extraordinary growth and consolidation of railroads in the United States and the development of trade union organizations in railroad service, offer an instructive example of the constantly increasing interdependence of labor and capital; such interdependence increasing in intensity in proportion to the increased combinations of capital. The results in this particular industry may well be applied to large combinations of capital and labor in other modern industrial pursuits. To appreciate the significance of the value of railroad consolidation to the public, it is only necessary to attempt to conceive of a return to the former conditions. The small independent railroads with their relatively small number of employes, each road with its own standards of equipment dependent upon the idiosyncrasies of its principal officers or directors; each road with responsibilities to the public as a carrier only to the extent of its own short line—all these limitations suggest a local independence which would permit to the railroad the employment of labor

on the basis of "supply" for its small demands. On the other hand, the gradual growth of large systems composed of many such small lines, produces a new and constantly growing responsibility to the public, until finally a point is reached where the law of supply and demand affects but remotely the skilled labor necessary in transportation service. In the last analysis, of course, wages are controlled by the law of supply and demand, but with increased complexity in transportation, large bodies of expert men, as a matter of fact, cannot be replaced within a reasonable time, and without so disturbing the service that the public would not permit a great transportation company to solve an important labor problem by so slowly working a law. The function performed by railroads has become too important to the body politic to permit of any solution of these serious labor and wage questions, except by intelligent consideration on the part of the representatives both of the management and of the employees.

The effect of consolidation has brought many good results to the employees: an increased ability on the part of the railroads to pay higher wages; to employ more men; an improvement in standards of track and equipment, which has reduced the hours for a day's work and has made the service less dangerous. It has also made the employment of men in the service more regular throughout the year and thus kept together a regular force, and has developed a code of standard rules, governing the army of employees, which have dignified their employment and made more permanent their positions.

These are some of the most obvious advantages to labor resulting from the constantly increasing combinations of capital in the transportation service.

The ability to pay higher wages is due directly to the improved efficiency of the physical departments of the railroads, and the economy in cost of transportation produced thereby.

The short independent road, with its local traffic, gradually began to receive more and more through traffic from its connections. Such through traffic, naturally, was principally of a high class and carried at high rates, by reason of the crude conditions of service and the practical inability of any one of the lines, as a part of a through line, to increase its efficiency advantageously so long as other parts of the route were of a different standard. In certain respects the weak line in a series of through lines is like the weak link in a chain. The fifty-ton freight car loaded to its capacity could not be hauled over a bridge which was built for a ten-ton car and a twenty-five ton locomotive. The different standards of cars, the different gauges of track, the necessary transfers of freight at terminals, the rebilling of freight at junctions—with all the consequent delays—naturally led to the necessity for the elimination of such difficulties. From the fifty-pound iron rail and the ten-ton capacity car there has been developed the one hundred-pound rail, the fifty-ton car, the reduction in grades, the powerful locomotive, a reduced cost in operation and, as a final result, an enormous growth of the business interests of the country. This development has been made possible alone through increased financial ability by reason of larger security in the control of traffic.

Consolidation has not made, in my experience, considerable immediate savings in cost of operation. Oftentimes a small road may be added to a larger system and some of the expenses of organization may be saved. On the other hand, the wages paid and the class of service which the larger system gives to its new line may increase actual expenses, but such expenses are incurred for the purpose of improving transportation facilities and of increasing the gross traffic returns. Therefore the economy to the railroad company is not in the cost of handling the existing traffic, but in the reduced cost of handling the increased traffic resulting from the improved facilities given. Thus, with larger capital at

command, it is possible to make improvements and to develop a new low class heavy traffic, which is handled at a less unit cost. The saving by consolidation is, in short, due to the ability to develop business economically. Conversely, the business of any trunk line to-day could not be handled by a series of independent lines with varying standards, at the present rates which are profitable to the larger lines. With the improved efficiency and economy of transportation, rates have constantly declined and traffic has been continually developed. With increased density of traffic, the number of employes has been increased in proportion and has been paid a higher wage. The improved facilities and higher speed of trains have made the day's work for a trainman, not one hundred miles as a maximum, but as a minimum, so that to-day, with high speed trains, the trainman may earn in two hours time a wage higher than he earned in earlier days in five hours time. Even though the wage per mile run were the same to-day as in past years, the actual work which the trainman can physically do within reasonable hours is oftentimes 100 per cent. greater. The locomotive engineer of to-day may average easily one hundred and seventy-five miles per day, and at an increased rate of pay per mile over the one hundred-mile day of the past. But of even greater importance to the men themselves, to the railroad and to the general public service, is the highly developed set of rules governing the employment of men in train service. The seniority privilege, which provides that the oldest men in the service, if capable, are secure of regular advancement; the civil service rules governing their employment; the credit system which generally prevails to-day and which gives the employe full protection for good service done—in short, the desire of railroad corporations to keep their men so long as their service is satisfactory, and not to discharge them except for inefficiency—all of these rights and privileges have been recognized almost entirely by reason of the large consolidated railroad interests and

their consequent greater responsibility to the men and to the public.

The best proof of the relationship which now exists between the railroad corporations of this country and their employes is shown by the testimony of the representatives of the five principal labor organizations before the Industrial Commission on March 10, 1899. A few important passages will be quoted from the statement signed by the chiefs of the Brotherhoods of the Locomotive Engineers, Firemen, Conductors, Trainmen and Telegraphers. It seems to me of the highest importance that we should recognize their testimony as to the improved conditions which have arisen, if not by reason of, yet co-temporaneously with, this wonderful development and consolidation of railroad interests.

In their signed statement of March 10, 1899, they say:

"The employes are quite generally employed at rates of compensation and under terms of employment mutually agreed upon between the officers of the railway company and committees representing the men."

"The standard rate of pay for engineers in passenger service is three and a half cents per mile, freight service four cents per mile; firemen fifty-eight per cent of engineers' pay; conductors, freight service three cents per mile, brakemen, sixty-six and two-third per cent. conductors' pay; passenger conductors, one hundred to one hundred and twenty-five dollars per month; passenger brakemen, fifty to seventy dollars per month; yard foremen, twenty-seven cents per hour for day work, twenty-nine cents per hour for night work; yard switchmen, twenty-five cents per hour day work and twenty-seven cents per hour night work."

"As a rule, the rates of wages are quite stable."

"The plan of keeping record by a system of merit and demerit entries has of late quite generally taken the place of suspension as punishment."

"Unjust or unreasonable dismissals and suspensions are becoming fewer in number and fewer in proportion to the whole."

"Road, train and enginemen have little or no complaint as to hours of service; they are generally paid for all excess hours; train and enginemen, as a rule, are paid overtime on a very fair basis. The labor organizations do not interfere with the employe who is not a

member, nor with his right to work; they depend upon their standing, reputation and works to attract to them all worthy and well qualified employes."

"The whole business and laboring world are more interested in stability of rates than they are in the questions of whether or not those rates are a fraction too high."

"There is no doubt but that consolidation of railway lines under one management has effected economies in the management and in the traffic and accounting departments. It is our experience that the large masses of the employes are not unfavorably affected by such consolidations. On the contrary, we can cite instances where the employes of a small railway which paid poor wages and afforded very unsatisfactory conditions of employment, have been greatly benefited by that line being absorbed by some large system and the employes thereby brought under the operations of the higher rates of pay, and much more advantageous conditions of employment which obtained on the absorbing system."

Special testimony from the firemen :

"The railroad employes have an understanding with the employers that there shall be no more men employed than is necessary to move the traffic with dispatch, and during the busy times they take advantage of it and earn big wages, and when the dull season comes, of course they earn an average wage."

"I have been associated with the Brotherhood of Locomotive Firemen as its chief executive for fourteen years, and I have yet to find the first railroad officer with whom I could not do business and reach results that were acceptable to the organization which I represent."

"One of the best evidences of the relations between the Brotherhood of Locomotive Firemen and the railway managers or operators is the fact that we are supplying a great many of our members to-day to the railway companies who are in need of experienced men. They telegraph to our office and ask us to supply the demand."

P. M. Arthur, Grand Chief Engineer of the Brotherhood of Locomotive Engineers:

"In nearly every case, with few exceptions, during my administration of twenty-five years we succeeded in effecting an amicable adjustment, . . . so that to-day we have written agreements embodying the rate of pay, the rules for the government and protection of the men, with ninety per cent of the roads in the country. We have succeeded . . . in increasing the wages of locomotive engi-

neers from sixty dollars per month to three and a half cents per mile for passenger service and four cents per mile in freight."

"We believe in protecting the men in everything that is right and just. We have never dictated to a railroad whom they shall or shall not employ."

It is clear that such testimony as the above could not have been given if the railroads had continued to be operated as small separate lines. In railroads, more than in any class of labor in this country, we have seen the results of wise leadership on the part of the trade unions. Both capital and labor aim at monopoly; the best result is obtained only when intelligent counsel prevails. The railroads are moving on toward greater consolidations and with constantly increasing benefit to their million employes and to the public. More and more each year the managements of railroads acknowledge their public duties, more and more each year the operation of railroads is becoming a governmental function, so that, as I see it, the best condition will be reached when the relations between the government and the railroads are intelligently defined, with the management and operation left in the hands of private persons. The ideal condition is to so operate the railroads as to approach an ideal governmental operation and yet to retain the ownership in private capital. As a most vital and important element of this condition, the government should recognize the necessity of preventing unlicensed and unbridled competition between the carriers; of giving real publicity to the operations of transportation companies; of protecting the railroads so that they may maintain reasonable rates, as well as of protecting the public against unreasonably high rates. With these provisions the public and the stockholders will be protected and the large army of railroad employes, in their turn, will be protected in respect of their reasonable wage. As was stated in the testimony above by the representatives of the employes of the railroads of the country, "the whole laboring world is more interested in stability of rates than it is

in the question of whether or not those rates are a fraction too high."

The organizations of labor in railroad service have for the most part avoided the mistakes made by labor organizations generally, in that they have not demanded the employment of union labor, or the non-employment of non-union labor. This intelligent direction of their interests on their part has made the relations between the unions and many of the railroads most cordial. Arrogance and ignorance have been avoided on the part of both, and the results generally have been profitable to the railroads, the employes and the public. The centralization of capital in railroads tends, by a natural process, to put the direction or control in the hands of the ablest and best men the country produces. With railroads tending more each year to single control, what is the advantage to the employe and to the railroad? Each year the railroad operation becomes more vital to the interests of the whole people. Every business, social and political action demands that the arteries of travel shall be open. The processes of distribution have changed so that to-day the order placed in London will be shipped almost direct from the point of production. This is due to the highly organized methods of transportation which allow prompt and immediate distribution. So also is this evident in the changed conditions of our retail trade throughout the country. No longer does the retailer purchase his supply of goods from a middleman who has his full season's supply stored and on hand for distribution, but the retailer orders his goods in advance, the exact amount of the orders made is produced, and the goods are shipped almost direct to the retailer; so intimately have the accurate methods of transportation entered into industrial life and prevented the waste of unnecessary accumulation and overproduction.

Under these conditions, in what position is the expert employe of the railroad? What is his advantage? How far can he advance his wages and what controls his demand?

On the one hand, is the large railroad system which must continue its operations and to which the labor of its trained employes is necessary. On the other hand, there is a body of men who recognize the whole situation, but are controlled by making demands which they believe to be reasonable, the term reasonable meaning the demand which they believe the public would endorse. The history of railroad wages has shown that the public has been willing always to recognize the responsibilities of railroad men, and has given its sympathy to them in their reasonable demands. The employes, as a rule, have shown an intelligent understanding of the reasonable wage, and when they have not acted fairly and wisely they have not been supported by the public, have been refused their demands by the railroads and have learned that reason must prevail.

One of the most important needs of the times is to secure intelligent conservative leaders as attorneys, to counsel, advise and interpret a reasonable position for the armies of men in our various industries. How important it is to have such leaders is shown by the satisfactory relations between the railroads and their employes, as the testimony above indicates.

This important principle was illustrated a few years ago by the following instance: A large railway system, which had been in the hands of receivers for some years, had reduced the pay of its men 10 per cent. The wages paid were 10 per cent. less than the wages paid for similar service on lines similarly situated. In time the security holders were asked to stand a reduction of their holdings. The road was reorganized. It was placed on a sound financial basis, but with a fixed charge equal to the probable net earnings of the road. Soon after the reorganization the men asked for a restoration of their old rate of pay. The request of the men was refused, on the simple ground that the road could not afford to increase its expenses, that the wages paid under all the conditions existing were reasonable wages for

the work done. No promises were made for restoration in the future. It was a clear cut, well defined issue based on ability to pay and not on any question of standard wages so called.

A thorough and complete understanding was had, however, in respect to the rules and regulations to govern the employment of all the employes, so that the rights of the men, their conditions of employment and their interest in the prosperity of the railroad were thoroughly understood—this, in my judgment, being of much more importance than any question of increase or decrease in the rate of pay. After protracted and repeated interviews, the employes accepted the position of the company. From that day the company prospered in all its departments and gradually improved its standards and its service, to the great advantage of the public, its business interests and of the men. Finally, when its financial ability permitted it to do so, it restored the wages which had been in effect previously. This was a case of intelligent co-operation by organized labor. During that controversy it is interesting to note that the public press throughout the states where those lines were operated was almost unanimous in its support of the railroad in its position. It was the public sentiment that served as the jury for that case, and so it will always be, and the public, in my judgment, will always be a fair jury both to the railroad as well as to the employes, PROVIDED they know all of the facts in the case, and further provided that the operations of the road are known to be administered wisely and in the interests of the public.

In the future, the times may not warrant even the present rates of wages; and if they are to be reduced, it will be well if the public is fully informed through the publicity of accounts of the actual conditions of railroads, so that it may be the final arbiter of the reasonable wage for employes in a quasi-public service.

President Hadley says: "The railroads of the country at

the present time, taking good years and bad together, are probably not earning more than 3 per cent. on the actual investment." If, then, with the public fully advised, in competition with the markets of the world the rates on traffic must be so reduced as to curtail the fair return on what may be called actual values, the men on their part may not make unreasonable demands, nor will the public support them in so doing.

But meanwhile it seems to me evident that labor will continue to profit from the very size of the railroad systems involved. The conservatism of large railroad corporations means intelligent and careful consideration of all matters pertaining to the personnel of their organization.

In just such ways as have been so clearly demonstrated in railroad operation in the past, will the economies to labor work out in the other great industrial corporations of to-day. The modern trust, by reason of its economies in cost of production due to its large financial ability, will be able to pay the highest wage possible in its competition with the markets of the world; will tend to give steady and permanent employment, and more and more will approach in many ways a public service.

In conclusion, then, it is to me apparent that together with the increased tendency to consolidation of railroad systems, improvement in service, increased efficiency, larger demands for high class service, greater need for economy in transportation, there has been developed a higher standard of men in their employ; a wiser and more intelligent understanding on the part of employes as to their true relation to the service; an improvement in the conditions of employment; a higher wage for the same service done; shorter hours for a day's work, and, withal, generally a cordial understanding and appreciation of the rights of both employer and employe.

IV
THE FUTURE OF PROTECTION

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**THE INDUSTRIAL ASCENDENCY OF
THE UNITED STATES ∴ ∴ ∴ ∴**

**BY HON. NELSON W. ALDRICH,
UNITED STATES SENATOR FROM RHODE ISLAND**

THE INDUSTRIAL ASCENDENCY OF THE UNITED STATES.

Hon. NELSON W. ALDRICH, United States Senator from Rhode Island.

The industrial ascendancy of the United States is established by a comparison of the magnitude and character of her industries with that of her great rivals, Great Britain and Germany. It is evidenced alike by the larger aggregate and per capita value of her industrial products and by the much greater collective and individual earnings of her people. It is emphasized by a rapidity of growth unparalleled in the world's history.

In the limited time at my disposal I shall not attempt to enter upon an inspection of the whole range of our important industries, but shall confine myself to an examination, which will necessarily be general in its character, of the growth and prospects of American manufactures. The great importance of an investigation of this nature must be apparent when we consider that our continued industrial supremacy depends upon the assured progress and prosperity of our manufactures.

The published reports of the eleventh census contain the story of results accomplished up to 1890. For the years which have elapsed since 1890 we fortunately have sufficient data to enable us to approximate closely the percentage of growth which has taken place during that period. I will have printed, in connection with this paper, a statement showing the relative increase in production for the years 1890 to 1899, inclusive, in the United States, Great Britain and Germany. The tables in regard to Great Britain and Germany are less complete than those for the United States, but they are sufficient for the purpose of this inquiry. I will not stop to read this statement, but will content myself with stating the percentages of increase in each case.

The increase in the production of coal in the United States in the decennial period was 52.1 per cent, in Great Britain 11.2 per cent, and in Germany 46.6 per cent. As coal furnishes the basis for most industries these figures, perhaps, constitute the best test of the relative growth of the productive forces of the three countries.

It is a gratifying fact that in 1899, for the first time, the production of coal in the United States exceeded that of Great Britain. This statement becomes more interesting from the fact that a generation ago Great Britain's output was four times that of the United States and more than one-half of the world's total. Germany's output at that time was 15 per cent more than that of the United States, while in 1898 the output of the United States was 57 per cent more than that of Germany. In 1868 the coal production of the United States exceeded that of France by seventeen millions of tons, while in 1899 the excess of the American over the French product was more than two hundred millions of tons.

The increase in the production of pig iron in the United States in this period was 48 per cent. When we consider that it is a generally accepted fact that the rate of increase in the production of iron and steel in a country is a fair test of its advance in civilization in the arts, this large increase is most satisfactory. The increase in the production of pig iron in Great Britain was 11.2 per cent, while the increase in Germany was 72.3 per cent. It will be seen that the percentage of increase shown in Germany was greater than that in the United States, owing to the relatively small production in Germany in 1890. The actual increase in tonnage, however, was greater in the United States, the figures being an increase of 3,400,000 metric tons in Germany and 4,400,000 gross tons in the United States.

The increase in the number of cotton spindles was 25.6 per cent in the United States and 4.9 in Great Britain. The percentage of increase in this case is smaller than any of the

others under consideration, doubtless owing to the unusual depression in cotton manufacturing which continued during a considerable portion of the last ten years. The consumption of cotton, however, increased 56.2 per cent in the United States, while the increase in Great Britain was 9 per cent. These figures show very plainly the marked increase which has recently taken place in the productive capacity of American cotton machinery. The relative figures for Germany are not available, but it is safe to say that the increase of cotton manufactures in that country was much less relatively than in the United States.

Our imports of raw silk increased 52.9 per cent during the period named, while those of Great Britain increased 15.8 per cent and those of Germany 35.3 per cent.

The increase in the general business of the United States is shown by the increase in the transactions of the New York clearing house of 52.3 per cent, of deposits in national banks of 53.6, and of deposits in savings banks of 46.2 per cent.

We can assume that the number of persons employed in our manufacturing establishments increased proportionately with the increase of production, as the average number of employes in the decennial period ending in 1890 increased 65.77 per cent, while the increase in the value of the product was 69.31 per cent. The increase in the number of persons employed in specified industries in Germany, as shown by the German industrial census of 1895, was for thirteen years, from 1882 to 1895, 39.9 per cent, while the number of persons engaged in all textile industries in Great Britain decreased 2.2 per cent from 1890 to 1897.

Another indication of relative industrial growth is furnished by the fact that the domestic exports of the United States increased 42.4 per cent during the last ten years, while those of England increased 11.8 per cent and those of Germany 12.9 per cent. During the fourteen years ending 1899 the value of the domestic exports of Great Britain

increased 99 millions of dollars, those of Germany 212 millions, those of the United States 478 millions of dollars.

The figures I have given, taken together, show a probable increase in the manufactured product of the United States from 1890 to 1899 of from 40 to 50 per cent. Taking into account the decline in prices which has taken place, it is safe to assume that the total value of the manufactured products of the United States for the census year 1900 will be more than twelve thousand million dollars. This assumes, of course, that aggregate values will be ascertained by the same methods that were employed in taking the eleventh census.

Mr. Mulhall estimates the total value of the manufactured products of Great Britain in 1896 at 4,239 million dollars, and of Germany at 3,339 millions. If these estimates are approximately correct, as I presume they are, the annual value of the manufactured products of the United States is 2,000 millions greater than that of Great Britain and Germany combined.

The facts I have stated but partially disclose the great advances which have taken place in German manufactures as compared with those of Great Britain in recent years. One indication of the respective growth of the industries of the two countries is found in the fact that Great Britain furnished 39 per cent of our imports in 1860 and 17 per cent in 1899, while Germany furnished 5 per cent in 1860 and 12 per cent in 1899. The influence of the aggressive warfare which the managers of German industries are making for the control of markets, is felt throughout the world. American manufacturers, intelligent and energetic as they are, have much to learn from the experience and success of their German competitors.

In considering the recent progress of American production we should not fail to take into account the influences that retarded our normal industrial growth in the years following 1892. The widespread fears aroused by persistent agitation of monetary questions unsettled confidence at home and

abroad in the stability in value of our currency. Tariff agitation, culminating in the reactionary legislation of 1894, also had a deleterious effect. These influences arrested development to a considerable extent. For instance, the production of pig iron for the years 1894 to 1896 averaged annually but 8,200,000 tons, while for the three succeeding years the average was 11,700,000 tons. The average annual consumption of cotton in 1895 and 1896 was 2,500,000 pounds, and in 1898 and 1899, 3,250,000 pounds.

The same influences were felt in both imports and exports of manufactured goods. The value of the average annual exports of manufactured articles for the three years ending March 1, 1896, under the tariff act of 1894, was \$193,500,000, while for the three years ending March 1, 1900, under the act of 1897, the annual average was \$332,700,000. The annual average imports of manufactured articles ready for consumption, for the first period, under the act of 1894, was \$155,000,000, and for the two years 1898 and 1899, under the act of 1897, was \$103,000,000.

It is evident from an analysis of the comparative figures I have given, that notwithstanding the drawbacks I have mentioned, the progress of American manufactures has been much more satisfactory than that made by either of our principal competitors. A student of our industrial history is constantly impressed with the remarkable changes which are taking place in the character as well as the extent of our manufactured products. A generation ago American manufacturers were satisfied if they held a considerable portion of the domestic market for the lower grades of manufactured products, including the coarser cloths, both cotton and wool. No successful attempts were made to produce the finer articles of manufacture in any of the great lines of industry. To-day we hold the largest portion of the market for the finest goods of every description. A large part of the textile machinery of the United States is to-day employed in the production of goods which could not have been profitably

made in the United States thirty years ago. The revolution has been scarcely less radical in all the great industries.

In order to show how completely our domestic manufacturers have control of the American markets, I will say that the percentage which the imports of cotton manufactures bore to the total domestic consumption of cotton goods in 1899 was 3.4 per cent. The percentage of manufactures of wool was 5 per cent, of clothing, 1.4 per cent, and of the manufactures of iron and steel, 6 per cent. To illustrate the changes which have taken place, I will say that in 1860 we imported 25 per cent of our consumption of cotton manufactures, and 32 per cent of our consumption of woollens. Great Britain imports annually in value of manufactured products about \$16.00 per capita, while the United States imports but \$3.50 per capita.

American manufacturers have not only retained their hold on the home market, but they have successfully invaded foreign markets, and secured a constantly increasing proportion of international trade, as is clearly shown by the remarkable growth of our manufactured exports.

It is the character of international trade and not its extent that determines the measure of benefit to a country.

Under modern conditions, manufactures are not only necessary for successful industrial organization, but they also furnish the most satisfactory basis for profitable foreign trade. This latter fact is established by the experience of Great Britain for half a century. The remarkably successful efforts of Germany to extend her foreign trade through the protection and consequent prosperity of her manufactures, furnish another striking illustration of the accuracy of the statement.

The foreign trade most desirable for the United States to promote is that which provides for the exchange of her manufactured or partially manufactured products, those requiring the greatest amount of skill and labor in production, for the products of other countries which, from climatic

or other causes, cannot be produced here, or which we cannot produce with an equal expenditure of labor or skill. Foreign trade of this nature builds up domestic manufactures.

The manifest interest of the United States lies in enlarged exportation of manufactured rather than agricultural products. From a national standpoint it is clearly unprofitable for us to send abroad to other industrial countries our crude materials and food in exchange for manufactured articles in the production of which we have equal natural advantages. If our agricultural products could be first transformed into finished manufactured articles and then exported, great saving in the cost of transportation and other expenses would result, but the indirect consequences, from an industrial standpoint, would be even more important. Manufactures, once firmly established and covering the entire field of industrial creation, become the most effective agency for securing permanent improvement in the character of national productive forces.

It is quite natural, however, that our people, with a productive capacity in excess of their requirements, should seek an outlet for the disposition of their surplus, but in our commendable search for new markets for American products we should not forget, however, that it is still necessary for the continued prosperity of American manufacturers that they should retain the American markets, and that there should be no diminution in the purchasing ability of the American consumers from the present high level. This retention of domestic markets is rendered all the more imperative from the fact that under existing conditions many of our manufactures are only profitable when conducted on a large scale. We cannot overlook the fact that the strenuous contest for markets, enforcing a demand for cheaper methods and greater economies in production, is bringing about revolutionary changes in manufacture. A margin of profits is secured only by the savings in cost of administration and distribution, and by the use of better methods and stimulated

improvements in machinery, rendered possible through largely increased production.

I believe that in most cases where American manufacturers have wrested the control of the American market from foreign competitors the result has been lower prices for the product throughout the world. In a great number of instances we have, by the improved methods to which I have alluded, by a much greater use of machinery, and by the superior skill and enterprise of our mechanics, reduced the cost of production in the United States to a point which has enabled us to sell our goods in neutral markets. The number of articles that we can successfully produce in competition with our industrial rivals is constantly increasing.

But the advantages to which I have alluded do not exist in all cases, and the high level of earnings of all persons engaged in useful employments in the United States still necessitates a relatively higher cost of production here in many articles, and in order to enable the American producer in these articles to meet his foreign competitor in our own markets, it is necessary to equalize conditions by levying protective duties. In cases, however, in which the home market is extensive enough to awaken the inventive spirit and enlist the highest type of American skill and enterprise in production, we are constantly encroaching upon the markets of our industrial rivals and enforcing our demand for a fair share of foreign trade.

Having in view the standards for profitable American commerce, which I have endeavored to establish, it will be interesting to examine the changes which have taken place in the character of our imports and exports, as the nature of these indicate the growth in our productive capacity.

We will first take imports. I have assumed that the public interests would be promoted by increasing the importations of crude materials used in our industries, and by diminishing the importations of manufactured articles which compete with our own products. In the period from 1846

to 1861, when the revenue tariffs of 1846 and 1857 were in force, the proportion which articles in a crude condition used in American industry, bore to the entire importations, was 14 per cent. In the period from 1876 to 1890, this proportion had increased to 24 per cent. During the years 1898 and 1899, under the tariff act of 1897, the proportion was 31 per cent. In the first period I have mentioned, from 1846 to 1861, the percentage which the imports of articles manufactured ready for consumption, bore to the total imports, was 35 per cent. In the second period it was 20 per cent and in the years 1898 and 1899 it was 15.5 per cent. From 1846 to 1860 the increase in dutiable imports was 175 million dollars, from 1876 to 1889 the increase was 168 million dollars, while during an equal period in years from 1885 to 1899 there was an actual decrease in imports of one million dollars.

Coincident with this remarkable decrease in manufactured imports, we have even a more remarkable change in the character, and increase in the value of our exports. The value of our total exports rose from 316 millions in 1860 to 845 millions in 1890, and to 1,227 millions in 1899. The value of the exports of domestic manufactures in 1860 was 40 millions, or \$1.25 per capita; in 1890 151 millions, or \$2.41 per capita; and in 1899, 339 millions, or \$4.46 per capita. If we should take separate items we should find the increased rate more marked. For instance, the value of the exports of miscellaneous manufactures of iron and steel increased from 5 millions in 1860 to 25 millions in 1890 and to 93½ millions in 1899. In 1860 our exports of domestic manufactures formed 12.76 per cent of our total exports; in 1890 the proportion had risen to 17.27 per cent, and in 1899 to 28.21 per cent.

The statistics of total foreign commerce are not as favorable to the United States.

We find that the growth of our foreign commerce, between the years 1885 and 1899, was 45.9 per cent, while our

exports increased in the same period 65.1 per cent. The total foreign commerce of Germany increased in the years 1885 to 1898, 52.7 per cent, and her exports increased 31 per cent. The total foreign commerce of Great Britain increased, in the last period named, 22.2 per cent, while her exports increased 9.4 per cent. It will be observed that the increase in total foreign commerce was greater in Germany than in either Great Britain or the United States, but that the United States led the others in the growth of her exports.

While the growth of the foreign commerce of the United States is very creditable to her enterprise, it does not furnish the best indication of her real position as a commercial nation.

There is a class of people in this country who are inclined to follow the theories of British economists and exaggerate the importance of international trade. These theories had their origin in geographic rather than economic conditions.

The comparatively small area of the leading commercial nations of Europe gives a character to their foreign commerce which finds no analogy in a country of continental proportions like the United States. In one case the transportation of products a short distance across a river, a mountain range, or some less tangible boundary, constitutes foreign commerce, while in our country the exchange of the manufactured products of New England for the fruits of California or the cotton of Texas is classed as domestic trade. The value of the merchandise which crosses the English Channel, the North Sea, the Adriatic or the Mediterranean, swells the vast sum of European international trade, while the much greater value of American products transported across our Great Lakes or the gulfs and bays that stud our coast is not taken into consideration in estimating the foreign commerce of the United States.

A large portion of the internal commerce of the United States is analagous in every respect to the international commerce of Europe, and no comparison which seeks to determine the relative commercial importance of the nations

of the world can be fairly made which does not take this fact into consideration.

Mr. Mulhall estimates the value of the internal trade of the United States in 1894 at 14,466 million dollars. I believe that this estimate is a very conservative one. He estimates the internal trade of Great Britain for the same year as 5,774 millions, and that of Germany at 5,590 millions. If to these respective sums we should add the foreign commerce of each of these countries for the last year for which the statistics are available, we should have this result:

The total domestic and international trade of the United States would amount to 16,367 million dollars, that of Great Britain would amount to 8,900 million dollars, and that of Germany to 7,693 millions. It will be seen that the total trade of the United States is approximately equal to that of Great Britain and Germany combined. When we consider that the population of Germany in 1895 was 52 millions, and that of Great Britain in the same year was 39 millions, or a total for both countries of 91 millions, while the population of the United States for the same year was less than 70 millions, we can better form some idea of the pre-eminence of the United States as a commercial nation.

The array of statistics which I have presented disproves the teachings of that class of political economists who confidently assert that there can be no normal growth of either domestic production or foreign trade in a country which has adopted a protective policy. Those who make the assertion are forgetful of facts and do not comprehend the nature of the policy. It is not a policy of exclusion, but of discrimination. It does not seek to arrest foreign commerce, but to direct its flow into profitable channels. It is not a policy of restriction, but of expansion—expansion through a better diversification of national industries and a more thorough organization and development of national forces.

It should be the primary purpose of our protectionists to aid through intelligent legislation, in the great work of

American industrial evolution, and to encourage such agencies as will contribute to this result. Intelligent advocates of the protective policy have no programme to enforce, except such as conforms to the demands of our national interests from time to time.

The creditable record of the past adds to our sense of responsibility for the future. We shall, however, enter upon the new century better prepared than ever before, for industrial conquest, and with many conditions favorable to our continued success.

We have reason to believe that recent legislation has settled the policy of the United States in regard to its currency and standard of value for the next generation. This will give confidence to enterprise and do much indirectly to aid in industrial development. The tariff policy of the country may also be looked upon as settled for many years to come, and this fact should also give a feeling of security alike to employers and employed. I do not mean that changed conditions will not necessitate an occasional revision of tariff rates; but we may confidently expect that these adjustments will be made with a view to protect and conserve our national interests.

To secure any considerable increase in our foreign trade in domestic products in the face of the fierce competition we are certain to encounter will, however, under any possible circumstances, make serious demands upon the resources of American producers.

Every community interested in manufactures must furnish to its people better means for thorough technical education, having special reference to the demands of local industries. Our manufacturers and merchants must study more carefully the requirements of foreign markets. They must profit by the valuable experience of their rivals. They must acquire a better knowledge of the habits, demands and language of their customers. In styles and in preparation for transportation they must be governed by the wishes, or prejudices,

if you please, of their customers, and not by their own pre-conceived notions. Our capitalists and merchants must establish banking and commercial agencies wherever an extension of our trade is possible.

Equally exigent demands rest upon the national government in this connection, which can be met, first, by affording our people better facilities for transportation through the encouragement of frequent and direct steam service with the countries that are our natural customers. We should not hesitate to adopt, in this respect, the agencies that have been found so effective in the experience of other commercial nations; second, by the adoption of commercial treaties or reciprocity arrangements looking to the extension of our trade with our South and Central American neighbors and the countries of the Orient; and third, by providing a more efficient consular service.

The great work of extending our reciprocal trade in the manner I have indicated, should be promptly inaugurated. Our commercial rivals have, either through actual absorption of territory or by increasing their respective spheres of influence, secured advantages of more or less importance in most of the neutral markets of the world, outside of the area I have named.

With a full understanding of the nature of the task we have in hand we shall not fail.

We enter upon the great industrial contests of the future with the prestige of unparalleled achievement. We have unequalled natural resources. Our productive forces are fully developed. Our industries are thoroughly organized. We have unrivaled wealth of soil and inexhaustible mineral deposits. Better than all, we have a vast army of intelligent, alert, and self-reliant producers, who are receiving a constantly increasing proportion of the benefits derived from our superior industrial organization.

With such resources and such a people the industrial ascendancy of the United States is secure.

United States.

	1899.	Percentage of increase.
Tons pig iron production	9,202,703	48.0
Tons coal production	157,770,963	52.1
Number cotton spindles	14,405,000	25.6
Consumption cotton, bales	2,325,000	56.2
Tons freight carried one mile	79,192,983,195	44.6
Imports of raw silk, pounds	7,347,909	52.9
Transactions New York Clearing House	\$37,660,686,572	52.3
Deposits in national banks	\$1,594,200,000	53.6
Deposits in savings banks	\$1,524,844,506	46.2
Domestic exports, value	\$845,293,828	42.4

Great Britain.

Number cotton spindles	43,750,000	4.9
Consumption cotton, bales	3,227,000	9.0
Tons pig iron production	7,904,214	17.7
Tons coal production	203,408,003	11.2
Number persons engaged in all textile industries	1,084,631	2.2 decrease.
Domestic exports, value	\$1,281,377,000 (1898)	11.5 decrease.
Imports raw silk, pounds	1,901,281 (1898)	15.8

Germany.

Number persons employed in specified industries		39.9 1882 to 1895
Domestic exports, value	\$791,716,000	12.9 1890 to 1898
Tons pig iron production	4,658,450	72.3 1890 to 1898
Tons coal production	93,398,500	46.6 1890 to 1898
Imports raw silk, kilograms	2,309,509	35.3 1890 to 1898

**THE TARIFF POLICY OF OUR NEW
POSSESSIONS ∴ ∴ ∴ ∴ ∴ ∴**

BY HON. ROBERT P. PORTER

SPECIAL COMMISSIONER FOR THE U. S. TO CUBA AND PORTO RICO

THE TARIFF POLICY OF OUR NEW POSSESSIONS.

Honorable ROBERT P. PORTER, Special Commissioner for the United States to Cuba and Porto Rico.

The tariff policy of our new possessions must first of all be framed to fit the country and the condition of the people for which it is intended. Unless this fundamental idea is rigidly followed there will be endless complications and trouble. The economic conditions of some countries require one kind of tariff and of other countries another kind of tariff, while some countries like England, for example, are so situated that free admission of all but a few products best promotes the general welfare of the inhabitants and the prosperity of the nation. France, Germany, Russia and the United States each has an elaborate tariff covering hundreds of printed pages, and each devised with a view of protecting certain home industries. To construct a tariff of this sort and clap it around the island of Porto Rico or of Cuba or of the Philippines, would be very much like putting a steam-hammer in motion to crack a hickory nut. We had an illustration of this sort in the case of the Island of Guam, which I suppose may rightly come under the term "our new possessions," however out of place it may be when applied to Cuba. A tariff was wanted for Guam. There was no time to send for the United States tariff, and so Governor Leary, like a true American rose to the occasion and wrote one himself, which for charm of expression and simple directness far excels those more ponderous documents with which Congress is familiar. I was afterwards called upon by the navy department to revise the tariff of Guam and destroy its primitive picturesqueness. It is perhaps in better form now, but the Leary tariff answered the purpose so

long as the military or naval authorities had power of administration without appeal.

The territories which we have acquired by conquest or purchase, and the island which we have pledged ourselves to protect against foreign aggression—though distinctly repudiating sovereignty therein—cannot be exploited for the advantage of the United States. A policy of this sort which disregarded the rights of the inhabitants, would be following the bad example of Spain. It would be putting on the cast-off wearing apparel of England, for the idea of working the colonies solely for the benefit of the mother country has seen its best days with the British Government. The war of American independence did much to modify and dispel the notion that "colonies" or "possessions" could be made tributary to the parent country. The Spanish idea in its government, not only of Cuba, but of Porto Rico and the Philippines, was purely and absolutely the idea of possession, and nothing points so unmistakably to this as the manner in which the tariffs were framed and the tariff policy adapted towards those possessions. Spain was not content with a fiscal policy giving absolute freedom of trade between the mother country and the colonies, and the Spanish tariff against all foreign nations. The Spanish idea was to levy toll both coming and going. To this end, tariffs for these unhappy islands were so constructed that the products of Spain could be imported at a very low rate of duty, and the products of other countries at a rate sometimes double and even treble. A more iniquitous fiscal arrangement was never conceived. True, the products of other countries were food-stuffs and necessities for the farmer and the laborer, while the products of Spain were silks, fine linens, expensive wines and luxuries. So deep-seated was the greed of the mother country that from 75 to 80 per cent of the revenues from customs tariff were collected upon articles of food and of first necessity, while the well-to-do and rich—mostly resident Spanish citizens—enjoyed the lowest rates

of duty upon the merchandise they imported. It was this sort of tariff policy the United States found in the several territories for which we have been called upon to evolve not only a fiscal but a complete governmental policy.

The settlement of our tariff policy for Porto Rico has raised all the questions incidental to the government of these territories, excepting, of course, those involving our future relations with Cuba. It is not my intention to discuss here whether a treaty is a part of the supreme law of the land, or whether the Constitution extends itself, *ex proprio vigore*, to all territory acquired by the United States, at the moment of its acquisition. This is a fundamental question which has been thoroughly thrashed out in the recent debates of Congress, and until the Supreme Court of the United States passes upon it, the proposition that the "Constitution follows the flag" remains controverted. To one dealing only with the practical side of the question it would seem strange that we should have no other alternative but to put around these islands without any preparatory work, the Constitution and laws of the United States. There is no doubt in my mind that under the Treaty of Paris, Congress was invested with full power to legislate with respect to these islands and their inhabitants in such manner as it may deem wise, restrained only by the general spirit of our institutions. The framers of the Constitution seem to have provided for this contingency when they invested Congress with power to "dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States." "Under these two powers," says Senator Foraker in a very clear exposition of this question in the current *North American Review*, "Congress is at liberty to make any provisions it may see fit to make with respect to Porto Rico and the Philippine Islands that have relation to the civil and political status of their inhabitants. It may make them citizens or withhold citizenship; it may impose equal or unequal taxation, as

compared with the rest of the United States; and it may, as there is occasion to do in this instance with respect to coffee, impose a duty upon the importation of coffee into Porto Rico for the protection of the coffee industry there, while, under the general tariff laws of the United States, at all ports of the United States, coffee is admitted free; and it may, as many of us believe, and as the bill provides—impose a duty upon products imported from the United States into Porto Rico or from Porto Rico into the United States.” If this view of the question should prove correct, and the Supreme Court so decides, the tariff policy of our new possessions must be settled in accordance with the opening proposition of this paper. If, on the other hand, the Supreme Court should decide that we have no power under the Constitution to levy duties upon products going from this country to Porto Rico or the Philippines, or to collect duty on merchandise coming from those islands to the United States, there is nothing left for me to discuss. The tariff policy of our new possessions in that case will become the tariff law of the United States, and that has been committed to other hands.

The question of our present and future fiscal relation with Cuba remains undebated, but as the trade of Cuba exceeds that of Porto Rico and the Philippines combined, and the difference of opinions as to its future is as sharply defined, the Cuban question will not lack interest when once before Congress. While the great constitutional lawyers in Congress are clinching their arguments with quotations from the framers of the Constitution, rounding their sentences with rhetoric resonant with eloquence, and keeping the presses of the government printing office busy night and day with their speeches, the Army of the United States is attending to the humdrum of every day legislation, not only in our own new possessions but in the Island of Cuba. The military are hour by hour, and day by day aided by such civilian experts as can be extemporized for this purpose,

keeping law and order, administering police irrespective of race and class, inaugurating a new judiciary, extending municipal institutions, building school houses and establishing schools, reconstructing society on a new basis, framing and promulgating tariffs, collecting and expending revenue, and performing other and equally important functions, not in the interests of the United States, but in the interests of the inhabitants of these islands. All this work has been done with precisely the same scrupulous care and surrounded by the same checks in all matters involving property interests or the receiving and disbursing of money, as our government demands in the administration of its own affairs. In each case the records are complete. If Porto Rico becomes a territory or state of the Union, her people will have a full accounting of all transactions from the day Spain relinquished responsibility of government and the United States assumed it. If Cuba becomes self-governing she will realize that for the first time in her history, she enjoyed during American occupancy, *i. e.*, from January 1, 1899, absolute industrial independence. The tariff policy which we adopted or put in force for Cuba enabled the inhabitants for the first time to purchase in the cheapest and most advantageous markets of the world. She is as free to buy of Spain as of the United States. The commodities imported from the United States pay absolutely the same rate of tariff duty as the commodities imported into Cuba from Spain and from all other countries. The tariff policy adopted for the Philippines, owing to the condition of affairs, is only temporary, but it does not in any way violate the principles underlying our established tariff policy for the territory which the military government of the United States has been called upon to administer.

The tariff policy, therefore, of our new possessions and of Cuba—the government of which we have been called upon to administer—must be more or less modified by the future political relations of these islands to the United States.

If Cuba, Porto Rico or the Philippines were to-morrow declared part and parcel of the United States, subject to our Constitution and laws, what would be the economic result? Porto Rico, around whose unhappy head has recently played all the thunder and lightning of a sharp party debate, would be least affected. From an economic point of view, the difference of absolute free trade between the United States and Porto Rico and a small rate of duty is hardly worth discussing. From a revenue standpoint, a small rate of duty for a limited period has decided advantages. In 1898 I was asked by President McKinley to frame tariffs for Porto Rico and Cuba. While in form, and as far as possible in administrative features, these tariffs were similar, the schedules of rates naturally differed. The Cuban tariff was arranged on a basis of not over 25 per cent *ad valorem*, and the tariff for Porto Rico on a basis of 15 per cent *ad valorem*. The returns for the calendar year 1899 show that the average rate of duty on all imported merchandise (dutiable and free) into Cuba was a trifle less than 20 per cent. The abnormal condition of affairs in Porto Rico—including the disastrous hurricane—makes estimates valueless. There has, however, been little or no complaint against the tariff which we framed for merchandise imported into Porto Rico. The real trouble came from the fact that Congress alone could deal with the rates of duties on the products from Porto Rico imported into the United States.

If, before adjourning in 1899, Congress had passed a simple act reducing duties or admitting free into the United States a few of the chief products of Porto Rico, the present tariff would, with a few modifications, have operated more satisfactorily than the Dingley law, no matter how much it may be reduced. The justice of this has been recognized both by President McKinley and Congress by the return of the \$2,000,000 or more of customs duties collected on Porto Rican imports into the United States during the period of our possession. Much has been said of the liberality of

Spanish policy towards Porto Rico. I do not think the fiscal policy of Spain towards this colony differed greatly from that which she adopted towards her other possessions. The Spanish tariff policy seems to have been 7 per cent for manufactures of cotton, 12 per cent for manufactures of silk, 10 per cent for manufactures of wood, 9 per cent for machinery, 2 per cent for special imports, but 20 per cent upon alimentary substances. There would seem to be two reasons for this, the first being that in a climate like Porto Rico the inhabitants can do without almost anything but food; the second that, as most of the food products were imported into Porto Rico from the United States, Spain herself took little interest in the rates of duty. Indeed, of the total amount of duties paid as above, nearly \$950,000 were paid by the United States, largely on food products. In making up the Porto Rico tariff, Spain arranged the schedules so adroitly in favor of her own interests that between the goods placed at a high rate of duty coming from countries other than Spain, and the commodities placed at a low rate of duty, or on the free list, when imported into Porto Rico from Spain, she almost escaped the payment of duty. Spain, in fact, furnished over 40 per cent in value of the imports into Porto Rico, upon which were paid less than 4 per cent of the customs collected; the United States furnished 21 per cent of the value of the imports, upon which were paid 38 per cent of the customs collected. The aim was at once to put an end to this condition of affairs, and to this end duties on articles of food and of general consumption were reduced as much as possible or put upon the free list. It must be apparent to any intelligent person who has followed the Porto Rico debate that there is no economic or fiscal issue. The President's first proposition of absolute reciprocity of trade would have been a simple solution of the question if the machinery for internal and local revenue could have been put in motion simultaneously to the abolition of tariff duties. The

plan to give the President a free hand in the matter and authorizing him to reduce the duty on some Porto Rico products imported into the United States and make others free, and to continue in force in the island a tariff for revenue suitable to the wants of the island, would have perhaps been an even more practical way out of the dilemma. The opposition, however, wanted to obscure the real issue and strengthen the anti-expansion cause, by the cry that the President's proposal for free trade with poor Porto Rico had been ruthlessly turned down in the interests of sugar and tobacco trusts. Porto Rico needs revenue, and the simplest and least onerous method of raising it is by a tariff for revenue. The Dingley law with 85 per cent off or 75 per cent off will probably work satisfactorily as a lazy man's tariff. It will harm no industry and can foster no trust. A better way would have been to frame a simple special tariff arrangement between Porto Rico and the United States, in which our food products should be imported free of duty into Porto Rico, and the sugar, tobacco, coffee, fruit, etc., of Porto Rico should be admitted free of duty into the United States. If Congress has the power to deal absolutely with the question—and I believe it has—it might just as well deal with it in the first place effectually. The limited population and productive capacity of the island makes it a small factor in the industrial trade and affairs of the United States. For this reason the principal consideration should be—and, so far as the present administration is concerned, has been—the general welfare of the island itself.

In the Philippines other and more far reaching questions confront us, and it is this issue we have in reality been debating while seemingly discussing schedules of the Porto Rico tariff. In short, our power in Porto Rico is the measure of our power in the Philippines. However indifferently we may view the decision as to the rates of duty to be established between Porto Rico and the United States, the question of our trade relations with the Philippines is far more compli-

cated. It would seem to be of the highest importance both to American labor and industry, and to our future trade relations with the Far East, that Congress shall at all times have power to deal with it as it sees fit. However much the spirit of our institutions may vivify the population of these islands—even to ultimately preparing them for citizenship—it must be admitted that the letter of the Constitution, if abruptly applied, would destroy. For this reason the Republican party has wisely made the fight for a free hand in laying out our commercial policy in the Philippines. Exactly what that policy will be it is impossible to say at this moment, but it will probably be shaped along the same lines as that of Cuba. By this I do not mean that the tariffs will be similar, but the general principles upon which they are framed will be followed. The Cuban tariff was framed especially with a view to the present needs of Cuba. In the same way the Philippine tariff policy should be one that will give sufficient revenue and at the same time not interfere with the "open door" policy which American diplomacy has established in the East. The Dingley tariff law around the Philippines might prove fatal to our growing China and Japan trade and bring about innumerable trade complications. Without entering upon the detail of our tariff policy for the Philippines it must be, first of all, a flexible policy, one that can be changed from time to time by Congress as trade conditions require it. This is apparent at the very threshold of the question. Geographical, climatic and ethnological reasons demand a separate treatment of this territory for some time to come. The American people, practical as they are, realize this, and our fiscal and governmental policy in this part of the world will be shaped in accordance with these general principles,—the spirit of our Constitution, without the letter.

Our tariff policy up to date in Cuba has been simple and has worked satisfactorily. The first tariff for Cuba was framed in much the same way as we frame our own tariff.

As special commissioner to Cuba and Porto Rico the work was assigned to me by the President soon after the signing of the protocol of peace, August, 1898. I visited Cuba, held public hearings in the principal cities and carefully noted all the testimony, petitions, statements and letters. From these data it was possible to gauge pretty accurately the wants of the people of the island. The tariff is practically a revenue measure, though in all cases where native industry asked for protection it was accorded. In no sense was the tariff framed with a view to discrimination in favor of the United States against Cuba or against any other country. There are no maximum and minimum columns in the Cuban tariff. This tariff exceeded our expectations from a revenue point of view, the receipts reaching in the aggregate, for the year 1899, fifteen million dollars. Recently, in conjunction with Collector Bliss, of Havana, and General Sanger, director of the Cuban census, I have revised the tariff which went into force January 1, 1899. The new tariff will be proclaimed by the President, June 15, 1900, and, following out the general lines of the present tariff, it will be more harmonious and easier of administration. The future tariff policy will depend so entirely upon the future status of the island that the discussion can hardly be separated. The Island of Cuba is not only the most important, from a fiscal point of view, of all these territories, but it has required the most careful and skillful treatment. The relations of the United States Government to Cuba are far more complicated than our relations with Porto Rico, though the issues are totally different. Assuming that an entirely independent and separate existence is the ultimate destiny of that island, how can it best be brought about? If it is brought about, how can Cuba maintain it without a navy? Having, at a great sacrifice of blood and treasure, evicted Spain, given Cuba her industrial independence, established a fiscal system administered by Cubans for the benefit of Cuba, there is no future Cuba without the United States as an important factor in the equa-

tion. Cuba is perfectly capable of self-government. Those who have had experience in the reconstruction work know this perfectly well. The tariff policy and the general policy toward Cuba has been a policy looking toward self-government.

There is no disposition on the part of the people of the United States to grab or appropriate Cuba in the manner recently suggested by President Cleveland's Secretary of State. In the due course of time Cuba will become a self-governing territory, but the people of that island, in my opinion, will never relinquish their alliance with the United States, however much we may want to be relieved of the burden. Political, industrial, commercial and fiscal reasons too powerful for mere sentiment to permanently overcome, create a unity of interest and purpose between Cuba and the United States that will in time bring about naturally a union which force could never accomplish. The closer this union the better for the commercial interests of both countries. The Cuban, however, has a good deal of sentiment in his make-up, and if the existing friendship and self-interest should end in annexation, it must come about by the free will of the Cuban himself. Dealing as I am with neither the political, constitutional, nor sentimental sides of these questions, but solely with the economical, it is safe to say that the trade relations of Cuba and the United States dovetail together in perfect harmony. The United States requires all the products of Cuba, and is the nearest and best market for them. Cuba can practically supply her chief wants in our markets. In this, however, the scales tip in favor of Cuba, for the first year of open markets for Cuba has not been satisfactory to United States trade, less than half the imports into Cuba during 1899 coming from the United States. This indicates that the Cuban trade must be looked after, and that it will not run in our channel without some effort on our part to supply the class of goods wanted. Free access to our markets for Cuban tobacco and sugar would be a tremendous

boon to Cuba, and would soon make the island rich and prosperous. The effect, however, on American industry would be serious and far-reaching. The American beet-sugar producer and the Louisiana sugar planters would naturally oppose it, while many would contend that free admission of Cuban cigars would cause a migration of the cigar industry from this country to Cuba. The lack of uniformity of our present sugar tariff discriminates against Cuba. She can take care of herself provided she can get into the United States free of duty, as she did under the McKinley Tariff Law, but entering here with a duty of \$1.685 per hundred pounds, against free sugar from the Sandwich Islands and from Porto Rico, and a reduced duty by reason of reciprocity treaties with the British West Indian Islands, mean the absolute ruin of the Island of Cuba. These are some of the stern facts which face Cuba, and their solution can alone be brought about by a satisfactory tariff arrangement with the United States. The Cuban should distinctly understand that there are two sides to any convention that may be brought about between the United States and Cuba. Absolute free trade involves sacrifices on our part of important sugar interests and a reconstruction of our sugar tariff; it may likewise involve great changes in our tobacco and cigar industries. It is a problem with infinite detail to work out and many knotty questions to decide and requires bold statesmanship on both sides. It need not all be done at one stroke of the pen, but by degrees; above all it should be done in proper form, for the Cuban is sensitive and can be led more easily than driven. Whatever the method and whether the result be treaty, alliance or annexation, absolute reciprocity of trade between the United States and Cuba is the only ultimate future tariff policy for the Island of Cuba.

It will be seen that each of these territories occupies a different relationship to the United States, and hence it is impossible to adapt the same tariff policy to all. The effects of free admission from these territories into the United States

would also differ. In the case of Porto Rico I think it would not materially injure any American industry, as one of the important products of Porto Rico—coffee—is now on the free list, and the quantity of sugar and tobacco produced in that island is small compared with our home consumption. Free trade with Cuba would, as we have seen, result in a modification of our revenue laws and in a migration of our sugar industry. On the other hand, if Cuba became part of the United States and the change were brought about gradually, the hardship would not be as great as some imagine. These industrial migrations are going on all the time both in agriculture and manufacture. The centre of the corn and wheat production to-day is remote from the centre of production of these products a generation ago, so with the manufacture of iron, steel and cotton goods, agricultural implements and many other industries. If Cuba can produce 2,000,000 tons per annum of sugar—and this can easily be accomplished under fair conditions—it practically means another staple industry for the United States. If American capital—and most of the capital invested in Cuban sugar plantations is American—can produce sugar at a profit for two cents per pound on the plantation in Cuba, paying precisely the same wages to labor—the capital will flow in that direction instead of in Louisiana, where the cost of production is at least three cents per pound. This applies with equal force to the production of beet-root sugar. The enterprising men now engaged in sugar production in the United States will be the first to plant their great centrals and sugar factories on Cuban soil. These are some of the problems we must discuss when the tariff relations of the United States with Cuba are finally adjusted. Similar adjustment for the Philippines, besides involving our home industries and labor, brings under consideration the trade problems of the Far East. It will thus be seen that the tariff policy of our new possessions is more than an adjustment of tariffs, and that its permanent settlement involves the reconstruction of

industries as well as of schedules. Of the value of this commerce much has been said and many statistical estimates have been given the public. Cuba, of course, comes first with a grand total of trade for the last normal year (1895) of nearly \$175,000,000. Perhaps, with allowance for smuggling and undervaluations, this total may reach \$200,000,000. Porto Rico should represent \$30,000,000, perhaps \$40,000,000 under good conditions, while the Philippines will aggregate imports and exports, say, \$75,000,000. These totals are capable of great expansion under honest and intelligent trade arrangements, when industrial conditions in the several islands resume the normal state. The aim of the United States should be to secure the large share of the imports to these markets, as to-day the largest share of these products is sold in the United States. Having been called upon to do the practical work in arranging these tariffs, and being under promise to take up the Philippine tariff when those islands resume peaceful pursuits, I hesitate to dwell too much or speak in too glowing terms of the value of this commerce to the United States. United States imports into Cuba during 1899 were distinctly disappointing—less than half the total imports. The first year of industrial freedom for that island shows that on equal terms our competitors make a good showing, while Spain retains naturally a hold that she formerly secured by discriminating duties which favored her imports. Not only must our trade with these territories be secured and maintained by vigorous competition with our commercial rivals, but to greatly enlarge it we must make sacrifices and relinquish hopes at home.

**THE NEXT STEPS IN TARIFF
REFORM ∴ ∴ ∴ ∴ ∴**

**BY C. R. MILLER, ESQ.,
EDITOR-IN-CHIEF OF THE NEW YORK "TIMES"**

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THE NEXT STEPS IN TARIFF REFORM.

C. R. MILLER, Esq., Editor-in-Chief of *New York Times*.

What is the proposition which the advocates of tariff reform submit to the people of the United States? It is that they hear and determine the question whether the doctrine of protection is of continuing force, and, like the Monroe Doctrine, "applicable to every stage of our national existence;" or whether it is not now time, in our changed industrial conditions, that we sit down to re-examine the basis, the justification and the wisdom of that creed. They ask the American people if the maintenance of the highest protective tariff known to the nations of the earth is to be considered a permanent national policy, or whether they will not now decree a substantial reduction of such duties as shall appear to be no longer necessary to the development of any industry, and the removal altogether of certain taxes on raw material of our industries that raise the cost of production and hamper the efforts of our manufacturers to gain a foothold in foreign markets.

Times change and tariff reformers change with them. During three decades they have championed the cause of the mass of consumers against oppressive laws that bestowed the property of the citizen "upon favored individuals to aid private enterprise." They now make their plea in behalf of the American manufacturer, once the object, now the victim, of protection, whose margin of profit and of opportunity in the world's markets is sensibly diminished by two factors of cost, high wages and taxed raw materials, both peculiar to our industrial system, and of which only the latter is subject to cancellation. The advantage which low wages gives to his foreign competitor he must meet, he has

met, not by wage reductions, but by his genius for economical production, for the standard of comfort established by a high wage rate must be maintained. But the tariff policy which forbids or discourages an exchange of products with other nations and taxes him upon the very materials of his industry is, in the opinion of tariff reformers, unwise, injurious and dispensable. It hampers our industries, checks our commerce, retards the accumulation of national wealth, and diminishes the opportunity for the profitable use of capital and the regular employment of labor.

But when we are asked to indicate the next step in tariff reform we are confronted upon the one hand by a great party that fills quite the whole of the road with its imposing bulk and forbids that any step whatever in tariff reform shall be taken; while the other great party, under new leaders and devoted to other pursuits, has abandoned its ancient attachment to the cause of a tariff for revenue only. It is plain that the next step, like all the steps of the past, must be educational. The chiefs of party must be made to see the light of the new day, and the path to a broader market and richer opportunities must be brought plainly into the view of the great and small captains of industry.

The country has been amazed and made not a little ashamed by the demonstrations of devoted attachment to protection during the debate on the Porto Rican tariff. There are not many protectionists who have taken the long step that brings them near to the advanced position of the tariff reformers. But the President is one of them. It is our plain duty to give Porto Rico the benefits of free trade, said William McKinley in his last annual message. Portentous words, that to many an old-fashioned protectionist must have sounded like an apostate renunciation of the faith by the high priest himself. But the pews outdid the preacher in devotion to the outworn creed, and the Republican House and the Republican Senate have decided that free trade with little Porto Rico, our own adopted child, could not be

enacted without peril to American industries, the representatives of which converged upon Washington with the old appeals if not quite in the old numbers, to protest against the blow that threatened their ruin.

A blind and heedless devotion to protection, too, is exhibited in the strenuous opposition to the ratification of the reciprocity treaty with France, negotiated by President McKinley with the aid of some of his former fellow-workers in high tariff building. A protest against the French reciprocity treaty was recently sent out by the Association of American Knit Goods Manufacturers, in which it was declared that the treaty "aims a death blow" at the fashioned hosiery branch of the knit goods trade, and that "the protection now afforded is no more than is absolutely necessary to a fair protection to our industry." Yet I have the high protectionist authority of the Hon. Robert P. Porter for a counter-declaration, which shall be made in his own words:

"The reduction which the French treaty accords French cotton hosiery and knit goods will in no way harm American industry, because the average rate on all hosiery imported after reductions will still be $51\frac{1}{2}$ per cent *ad valorem*; because upon the one largest class of hosiery imported from France there will still remain a duty of over 57 per cent, and lastly because upon all goods coming from Germany (whence we get nine-tenths of our imports of cotton hosiery and knit goods), and indeed from all other countries except France the average duty will still be 64.2 per cent *ad valorem*, and on some classes nearly $71\frac{1}{2}$ per cent. Protection beyond this is unrighteous."

Emotions of unusual joy fill the heart of the tariff reformer, his pulses quicken, and hope kindles anew within him at the unexpected avowal that there is a rate, even though it be $71\frac{1}{2}$ per cent, above which protection is unrighteous. If the axe of horizontal reduction were laid in that spirit, not at the root, but at the tops of the Dingley tariff,

the earth would be strewn with the brushwood of unrighteous surplusage from many lofty schedules, and the woollen schedule that kisses the very heavens with its audacious rates of 289 per cent, 235 per cent, 195 per cent, and 184 per cent, pierces the blue vault with one lone projection of 379 94-100 per cent and carries an average impost of 86 54-100 per cent, would emerge from the visitation in a truncated and lopped-off condition that would evoke loud cries from the beneficiaries of those sinful taxes.

I shall thrash none of the old straw of the long contention between protection and free trade. If the protectionist points to our immense and growing manufacturing interests that now supply four hundred millions of our exports and says, "This we have built by our tariff," his old antagonist will only ask with due humility that some slight credit be given to the natural resources of the country and the productive genius of its people. He will not forbear, however, to invite the attention of the defender of the high-tariff policy to the influence upon our industrial development and our export trade of the most conspicuous and most deeply interesting economic phenomenon of our day, the amazing multiplication of trusts and great combinations of capital. There is the vital fact in our present commercial situation, there is the greatest creative force at work under present conditions to change the methods and shape the future of manufacturing in the United States. More potent than tariff protection, it has built up industries into which protection failed to breathe the breath of life. Whether this new industrial system be permanent or transitory we cannot say, nor can we say whether the people will conclude that its advent is for good or for evil, but beyond all question, the concentration of capital, the formation of manufacturing corporations with large resources, able to command the highest business ability, to control their business at every stage of its progress, from the source of the material to the distribution of the product, to discard antiquated processes

and install the best modern machinery—we know, I say, that this concentration eliminates waste, obviates needless duplication of effort, substitutes the economy of the large operation for the high expense ratio of the little shop, and effects a substantial lessening of the cost of production. To the reduction of cost thus effected we owe more than to our protective tariff, the immense impulse of development in our manufactures in recent years. And it is this elimination of factors of cost that has enabled our manufacturers, in spite of the high rate of wages, in spite of tariff taxes that are no longer a help, but a burden, to overleap the wall that girdles us about and send their goods out into foreign markets, where they are selling at the rate of four hundred millions a year in competition with the manufactures of Great Britain, of France, and of Germany.

What is it that has quadrupled our production of iron and steel in twenty years—increasing it from 5,000,000 tons in 1880 to 20,000,000 tons in 1899? What is it that has caused our imports of iron and steel to dwindle from \$53,000,000 in 1891 to \$12,000,000 in 1899?

Was it the protective tariff? Seek the answer along that busy highway of lake and rail transportation that connects the Michigan ore beds with the Pittsburg furnaces and rolling mills, or in the Birmingham district, where the coal mines, the coke ovens, the ore beds, and the furnaces are so closely associated that almost the entire transportation charge of the operating companies is for switching engines. Nature in the South and the art of man in the North have reduced the cost of production to its lowest terms. It would be good for the soul of a protectionist who doubts the ability of the American manufacturer to take care of himself to study with care the wonderful array of labor saving and cost saving devices that has been created by the great corporations that convert the ore of Michigan into iron and steel near the coal fields of Western Pennsylvania. Their chain of control is unbroken—the mines, the steam shovels that lift the ore,

the cars, the very railroads, sometimes; the lake steamers, the docks, the smelters and converters, the rolling mills and steelworks, are theirs. No middleman's profit lessens their own, and from the beginning to the end of the chain, economic gain is skillfully secured, arising, says Mr. Taussig, "mainly from consistent planning of every stage, the nice intercalation of operations, the sweeping introduction from end to end of expensive and rapid-working machinery, continuously supplied under homogeneous administration with the huge quantities of material which alone make possible effective and economical utilization of the great plant."

If it is protection that has swelled our production of pig iron 422 per cent from two and one-half million tons in 1872 to eleven and three-quarter million tons in 1898, why is it that almost the entire increase, as Mr. Taussig points out, has been west of the Alleghanies or in the Birmingham region, the Middle States lying east of the Alleghanies, where the shelter of a protective tariff was most essential, and likely to be most stimulating, showing an increase of barely two hundred thousand tons? I asked an iron master the other day, a very large producer, if his business any longer needed the protection of \$4.00 a ton on pig iron. "If it did," he replied, "I should not be now on my way to Europe to sell iron in England, France, Germany, Austria, and Italy." Whatever argument may be made to show that without the favor and encouragement of protective duties capitalists would never have ventured their money in the great plants, transportation facilities, and costly machinery that have produced these results, the truth is plain that our iron trade is now independent of the tariff. It can stand alone, and the business of iron and steel production is industrially fundamental. There is no large manufacturing business in which a low price of iron and steel is not reflected in reduced cost of production. I am speaking, of course, of normal trade conditions, not of the extraordinary condition that has

prevailed for some months past in which an iron and steel famine, due to an unusual volume of orders has had the effect of doubling prices.

I now wish to adduce further evidence of important industrial growth in the United States independent of the tariff, yes, in spite of the obstacles it opposes. The great increase in our exports of manufactures in recent years has resulted from two conditions, large production and low prices. In the first place, we have had surplus goods to sell; in the second place, our prices were satisfactory to the foreign buyer. Why were our industries so productive, why were prices so low?

Again the stern finger of fact points to the concentration of capital and ability as the chief cause of both phenomena. Concentration increases capacity and diminishes cost. An oversupply of the home market and an overflow into the foreign market follow necessarily. Our exports of manufactures in the fiscal year ending 1899 reached the unprecedented total of \$338,667,794. Of this export of manufactures three-fourths in value were the products of industries dominated or controlled by trusts and combinations of capital. They tell us that it is the Dingley tariff that has raised our exports of manufactures to this great figure, amounting in the last fiscal year to 28.13 per cent of our entire export trade. Why not look the facts in the face? The tariff may glut the home market, but the tariff does not make low prices—there are no economies in it. It is saving of cost that makes the price, and the price makes the market.

Take another point of view. How many years is it since we began to congratulate ourselves upon the sudden prominence of manufactures in our tables of exports? Only during the last four years, and those are the years that have witnessed the formation of nearly all the trusts and combinations, the certificates of corporation of five-sixths of which bear a date later than 1895. Manufactured exports increased from \$126,000,000 in 1875 to \$183,000,000 in 1895—twenty

years to gain fifty-seven millions. For the five succeeding fiscal years the figures are: 1896, \$228,571,178; 1897, \$277,285,591; 1898, \$290,697,354; 1899, \$338,675,558; and for the current year ending June 30 next \$400,000,000, according to the estimates—five years to gain \$172,000,000. The trusts and the Dingley tariff came hand in hand, of like age, and devoted to like pursuits—the promotion of our productive industries.

An impartial world will judge which of the two has been the more effective and influential in doubling our exports of manufactured merchandise in four years. But it is a barren futility to point out these conditions unless we are willing to read what they teach and profit by the lesson. It is of no avail to lay stress upon the significant coincidence between the sudden growth of our export of manufactures since 1895 and the sudden multiplication of trusts and combinations in the same period, nor does it profit us to adduce that other highly significant piece of testimony, the fact that three-quarters of these exports are the products of industries under the dominance of associations of capital, unless we heed the answer to the next question. What do these things mean?

They mean that we have entered upon a new period in our industrial history, and that new economic conditions must be recognized in our laws and in our trade customs. Mr. Richard Olney in his striking and philosophical article on "The Growth of Our Foreign Policy" says that prior to the late Spanish war there were two distinguishing manifestations of our policy toward other countries: "One of them was the Monroe Doctrine, so called, directly affecting our relations with foreign powers. The other was a high protective tariff aimed at sequestering the home market for the benefit of home industries and, though legally speaking of merely domestic concern, in practical results operating as the most effectual of obstacles to intercourse with foreign peoples."

Out of this condition of aloofness and sequestration we have emerged so abruptly that few of our lawmakers and not many of our people have been able to adjust their thinking to the large requirements of the new condition. We have come suddenly into full relations with the world and have not had time to put aside our homespun manners or don clothing fit for such grand company. We are giving a lawn party but have forgotten to take down the sign "Keep Off the Grass."

Wherever in these years of trade expansion we have sold manufactured goods in other markets, we have displaced a foreign competitor, either one actually in possession or one seeking to take possession. The weapon with which we have overcome him is low prices. Quality and other things being equal, the lowest price commands the market. Our manufacturers have been able to make a low price through labor-saving inventions and reductions in cost effected by concentration of industrial forces. But what are our foreign competitors going to do, the manufacturers of England, France and Germany, whom we have robbed of a part of their market? Believe me, they will not give up the fight, they will do something to regain the lost ground. And on what they do hangs immediately the prosperity of our export trade in manufactures, and next the fate of our Dingley tariff. The foreign manufacturers will fight us with our own weapons—low prices. Skillful methods and a better understanding of the wants of their customers in the East, in Africa, and in South America, will serve them to some extent, but in the broad sense nothing will help them to reconquer the lost territory but the ability to undersell us. It is not for us to inquire by what economics the foreign manufacturer will command this ability. It is vastly more important for us to take thought about our own condition. Baffled by our old competitors using the arm of low prices to which they have long been accustomed, and by which they have, until recent years, kept us altogether out of many

fields, what shall we do? There is but one resource—we must make lower prices, we must undersell our competitors or lose the market. But how can we reduce prices?

The trusts and combinations have well nigh exhausted the resources of boundless capital, of human skill, and business ability in saving the last fraction of a cent of cost at every stage of every process they control. Their peculiar relations with railroads have enabled them to command the lowest living rates for transportation of their products to the seaboard. You cannot reduce an irreducible minimum. There are three other possible sources from which the potentiality of lower prices may be gained. They are, first, the pay roll—that is wages; second, the profits of capital, and third, the cost of material. The American manufacturer is most reluctant to seek to make himself whole at the cost of his men. He knows that wages are higher in this country than in any other in the world. He is painfully aware of the immense advantage that low wages, pauper labor, as we call it, confer upon his foreign competitor. But he knows, too, that well paid labor and a high standard of comfort for workingmen make for good citizenship and increase the demand for consumption in our home market. A reduction of wages is the last resource against business loss and then only as the alternative to shutting down the works.

But there is the profit account. I need make no argument to convince you that the manufacturer will turn with no great gayety of heart to the expedient of reducing his own dividends. The changeless principles of human nature and the powerful instinct of self-preservation stand opposed to that so long as any other way is open. There is another way, the third resource—reduction in the cost of material.

In that anxious moment of his quest for relief, there rises upon the vision of the hard-beset American manufacturer the towering heights of the Dingley schedules, not glory crowned, not glistening in the sunlight of prosperity, not singing Memnonian psalm tunes of cheer in his complacent ears,

but beetling, black, disastrous; obstacles to his progress, the menace of his ruin. God help the protective tariff when the American manufacturer shall confront it in that terrible mood. But as I wished to make the suggestion of the remedy follow immediately upon the diagnosis of the disease, I have omitted one stage in this process of economic development—the dark and saddening stage of industrial depression, waste of capital, stagnation, and hard times that follow inevitably upon the loss of a market and the cessation of a demand. When our manufacturers begin to find themselves in turn displaced in their new-found foreign markets by cheaper goods made in Germany and elsewhere, they will not at once go to Washington to get the tariff reduced. Hope springs eternal, and hoping for a favorable turn, they will continue to run their mills on full time and to pile up unsold goods in the warehouses. Overproduction has one inevitable result—business loss. Let any man with the material of the computation at his command attempt to picture forth the condition of trade stagnation, financial depression, contraction of credits, and business disaster that would ensue upon the cutting off at the seaboard of any considerable part of the annual outflow of four hundred millions of our manufactured goods.

Through this stage of industrial gloom we must pass in the nature of things before our producers come to understand what has hurt them, what hampers them, and puts them at a disadvantage in the struggle for the possession of the foreign market. Then, at length, when the interests that once demanded protection and made the tariff shall appear imploring relief from its burdens and asking for freedom to buy where they must sell, in the broad markets of the world, then we shall be ready for the next step in tariff reform, and it will be quickly taken.

If apprehension is expressed that industries laboriously built up by the favor of protection until they have come to possess the semblance of a vested right to a duty approach-

ing or exceeding the unrighteous level of 71 per cent will be ruined by a free trade foray on the tariff, I reply that no uneasiness need be felt. The influence of the protectionist sentiment is still too powerful at Washington over both parties to permit any abrupt and ruthless demolition of the tariff shelter. The danger is indeed of a too great reluctance, of a reform too deliberate in its movement. Against reductions demanded for the support of manufacturing interests that have shown energy and capacity for development, that have made them important contributors to the national wealth the plea in behalf of imbecile helplessness will not and should not avail. It is protection that is now demanded, protection for the American manufacturer against oppressive conditions that threaten his exclusion from the foreign market, upon which his prosperity depends; protection for the American workingman against the reduction of his wages, a calamity that will surely befall him if it be not averted by provisions made in other ways for the manufacturer's relief. How can the experienced protectionist campaigner, who, though grizzled, bronzed and scarred, has within his bosom a heart that beats warmly for our struggling industries and for the American wage-earner, how can he resist the insistent appeal of his own protégés for needed help? The growth of our manufactured exports, whatever it may argue for the past of protection, destroys the argument for its future, for it demonstrates that we have established for the products of our industries a parity of price with foreign products. We are equals, and an equal demands no favors.

He has the right, however, to demand, and he will insist that his friends do not wantonly hamper him in his contests. The American manufacturer must have for his own protection, in his struggle with foreign competitors, the freedom to buy the materials of his industry, not only in the cheapest market without artificial additions to cost, but he must have perfect freedom to choose his market. The skillful merchant

is equipped with modern facilities which enable him to know from hour to hour the quotations in all the great markets of the world. He might as well be without the facilities if he cannot have freedom to use for his gain the information they bring him.

Those schedules of the tariff that put an added cost upon crude articles entering into the processes of manufacture, and on articles partly manufactured, that are the raw materials of other manufactures which give profitable employment to labor, are the lamb of the sacrifice. Upon them the manufacturer is going to ask that the hand of the reviser be laid. The people will ask somewhat loudly that it be laid also upon every duty in any schedule giving protection to a greedy trust or combination of which advantage is taken unduly to raise prices.

There need be no fear about the revenue. That old cry has lost its potency since the business of the country has demonstrated its capacity to yield three hundred millions of internal revenue, a tribute which it could increase without complaining of the burden; while the judicious reduction of the tariff schedules to the revenue point would provide the treasury with abundant income from customs derived from luxuries and those classes of imports upon which a just system of taxation permits a moderate impost.

But the first step, the step immediately before us, is a completion of the educational process. The manufacturer will finish his education before the statesman and the politician are out of the primary class. Hard necessity will be his teacher, and the pupil will learn with a surprising rapidity when his attention has been once fixed upon the instructive page. Some precocious scholars are even now ready for graduation.

APPENDIX.

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FOURTH ANNUAL MEETING
OF THE
American Academy of Political and
Social Science.

“CORPORATIONS AND PUBLIC WELFARE.”

The success of the Third Annual Meeting of the Academy, at which was discussed: “The Foreign Policy of the United States, Political and Commercial,” placed a heavy responsibility on the Committee to make the Fourth Annual Meeting equal its predecessor, both in importance and interest. The plan of selecting a subject which is in the foreground of public discussion has so fully justified itself that it is unnecessary to comment on the selection of the topic for this year’s meeting. Throughout the country the growing influence of corporations on industrial and political life is being discussed and made the issue of local and national political campaigns. It is, therefore, of the very greatest importance to the continued stability of our institutions that the judgment of the people on these fundamental questions should be formed after the most thorough presentation of facts without party bias or personal interest. It is this function which the Academy is called upon to perform. With our large membership, the material presented and the opinions expressed at our Annual Meetings reach a far wider audience than is usually influenced by similar gatherings of other organizations. The plan of publishing the proceedings in full at the lowest possible cost adds greatly to the value of these meetings and to their influence in the formation of public opinion.

The Fourth Annual Meeting included four sessions, held on the afternoon and evening of Thursday, April 19, and Friday, April 20. Thursday afternoon, April 19, was devoted to a discussion of "The Control of Public-Service-Corporations." Professor L. S. Rowe, of the University of Pennsylvania, presided and presented the opening paper on "The Possibilities and Limitations of Municipal Control." Hon. Bird S. Coler, Comptroller of New York city, gave an address on "The Control of Public Service Corporations. Financial Control—Capitalization;" Professor John H. Gray, Northwestern University, Evanston, Illinois, on "Difficulties of Control as Illustrated in the History of Gas Companies;" Dr. Frederic W. Speirs, of Philadelphia, on "Regulation of Cost and Quality of Service as Illustrated by Street Railway Companies."

The session of Thursday evening was devoted to the Annual Address, which was delivered by the Hon. William Lindsay, United States Senator from Kentucky, on "The Influence of Corporations on Political Life." Professor S. M. Lindsay, of the University of Pennsylvania, Vice-President of the Academy, was in the Chair.

Before introducing the speaker, Professor Lindsay commented on the growth of the Academy. He called attention to the fact that the last report of the Board of Directors of the Academy presented at the Annual Business meeting in January showed that the Academy was in a prosperous condition.

"Twenty-three hundred members are on our rolls, and we close the last fiscal year with a surplus of \$1,800 in the Treasury. Bulletin No. 12 (new series) has been sent to members of the Academy and contains the audited statement of the Treasurer. The general report of the Directors on the work of the Academy has not yet been printed. There has been no diminution in quantity nor quality of the publications of the Academy. The fourteen volumes of the ANNALS with their supplements constitute the best single source of

information now available in English for students of economics, sociology and politics. Libraries, study clubs and reading circles are coming more and more to realize this fact.

"With the increasing perplexities of our political, social, and economic problems the demands upon the Academy are sure to increase. Our responsibility for educational work based on broad scholarship and wide social sympathies must also increase. Each member may well be proud of an organization so well grounded in social service as the Academy after a single decade of existence, but each should also realize that all that has been accomplished is not the result of the efforts of any one leader or small group of men, but of the combined efforts of hundreds of our members, who are at all times loyal in their support and in their personal endeavors to bring the work of the Academy to the attention of those whom it may interest and benefit.

"The Committee on Meetings met with no little difficulty in deciding upon the orator of this occasion. The topic of the Annual Address: 'The Influence of Corporations on Political Life,' demanded that we should secure for its adequate and impartial treatment the services of one who neither owned nor was owned by a corporation, and furthermore one who by legal training and large experience in public life could speak from close observation and experience. We know that you will all agree with us that no happier embodiment of all of these requisites could be presented than in the person of the distinguished Senator from Kentucky, Hon. William Lindsay, whom I now have the pleasure of introducing."

After the meeting a reception was tendered to Senator Lindsay and other guests of the Academy.

On Friday morning, April 20, the members of the Academy and guests visited the various departments of the University of Pennsylvania. Arrangements had been made to conduct the party through the various buildings. At one o'clock luncheon was served at the Manufacturers' Club,

at which a considerable number of our members were present, and an opportunity offered for an informal discussion of many matters of Academy interest.

The third session, on Friday afternoon, April 20, was devoted to the subject of "Combination of Capital as a Factor in Industrial Progress." In the absence of the presiding officer, the Hon. Thomas W. Phillips, First Vice-Chairman of United States Industrial Commission, Mr. Theodore Marburg, of Baltimore, consented at short notice, to take Mr. Phillips' place. The opening address was delivered by the Hon. James B. Dill, of New York City, on "Industrials as [Investments for Small Capital." Hon. John Wanamaker spoke effectively on "The Evolution of Mercantile Business," and William H. Baldwin, Jr., President of the Long Island Railroad, on "The Interest of Labor in the Economies of Railroad Consolidation."

The final session was held on Friday evening, April 20, at 8 p. m., in the New Century Drawing Room, Charles Custis Harrison, LL. D., Provost of the University of Pennsylvania, in the chair. The general subject of the session was "The Future of Protection." The addresses delivered were by the Hon. Nelson W. Aldrich, United States Senator from Rhode Island, on "The Industrial Ascendency of the United States;" Hon. Robert P. Porter on "The Tariff Policy of Our New Possessions," and Charles R. Miller, Editor-in-Chief of the *New York Times*, on "The Next Steps in Tariff Reform." At the close of the meeting the Manufacturers' Club tendered a reception to the speakers of the Academy, to which all members were invited.

It will thus be seen that in addition to the scientific sessions, ample opportunity was given for the members of the Academy to become acquainted with one another, and your committee feels that this meeting has contributed considerably to the development of a distinctive Academy spirit which is certain to be productive of great good.

We wish to take this opportunity to express to the Provost

and authorities of the University of Pennsylvania, and to the President and Directors of the Manufacturers' Club, the sincere appreciation of the Academy for their hearty co-operation in the arrangements for the meeting.

The expenses of the meeting, which were beyond what the treasury of the Academy could bear, were defrayed in large part by previous arrangements for the sale to business men and corporations of large numbers of the volume containing the proceedings. To all those who have so generously come to the support of the Academy your Committee on Meetings desires to express its sincere thanks.

In conclusion, your Committee desires to record the other scientific sessions of the Academy held during the interval between the third and fourth annual meetings, as follows:

October 25, 1899, Sixtieth Scientific Session, Mr. John H. Converse in the chair.

Addresses.—Hon. Frederic Emery, Chief of the Bureau of Foreign Commerce, State Department, Washington, D. C., on "International Rivalry in Trade;" Hon. John A. Cockburn, Agent-General in London and formerly Premier of South Australia, on "Recent Extension of the Sphere of State Activity;" Hon. W. Pember Reeves, Agent-General of New Zealand, on "Arbitration in Labor Disputes."

December 14, 1899, Sixty-first Scientific Session, tenth anniversary meeting, Joseph G. Rosengarten, Esq., in the chair.

Subject.—"The Economic, Political and Social Movements of the Past Decade."

Addresses.—Professor R. T. Ely, Wisconsin University, on "Progress in Economic Theory and Instruction in Universities during the Past Ten Years;" Henry Jones Ford, Esq., Pittsburg, on "The Political Movements of a Decade;" Dr. F. W. Speirs, Philadelphia, on "Social Movements of a Decade."

January 11, 1900, Sixty-second Scientific Session, Professor L. S. Rowe in the chair.

Addresses.—Hon. Frederick W. Holls, member of the Peace Conference at the Hague, and Secretary of the American Delegation, on "The World's Progress Towards Peace as Illustrated by the Conference at the Hague;" Professor John Bach McMaster, University of Pennsylvania, on "Some American Experiments in Arbitration;" Russell Duane, Esq., on "Legal Aspects of Arbitration."

The thanks of your Committee on Meetings, and through it those of the Academy, are due and hereby expressed to the speakers who, at our various meetings throughout the year, have given so generously of their time and services without compensation; also to the following members of the Ladies' Reception Committee, who have added so much to the social features of our meetings: Mrs. Charles Custis Harrison (chairman), Mrs. De Forest Willard (vice-chairman), Mrs. John H. Converse, Mrs. Stephen W. Dana, Mrs. Eugene Ellicott, Mrs. Roland Post Falkner, Mrs. Adam H. Fetterolf, Mrs. William A. Lamberton, Miss Jessica England Lindsay, Mrs. Samuel McCune Lindsay, Mrs. John Bach McMaster, Mrs. Joseph P. Mumford, Mrs. Edward M. Paxson, Mrs. William W. Porter, Mrs. Henry Rogers Seager, Mrs. Cornelius Stevenson, Miss Susan P. Wharton, Mrs. Talcott Williams, Mrs. Owen Wister, Mrs. Clinton Rogers Woodruff; and finally, in many special ways, to Dr. Charles Custis Harrison and to Joseph G. Rosengarten, Esq., for their assistance in carrying on the work of this Committee.

Respectfully submitted,

S. M. LINDSAY,
Chairman.

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HENRY R. SEAGER,
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